

MINUTES
OF THE
TRUSTEES
OF THE
**Internal Improvement
Trust Fund**
State of Florida

VOLUME XXXIX

From July 1, 1972 to June 30, 1974
Published Under Authority of Trustees of Internal
Improvement Trust Fund



TALLAHASSEE, FLORIDA

1975

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Tallahassee, Florida
July 5, 1972

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Burns Building with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg	Executive Director
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The minutes of June 6 were approved as corrected on page 15 to show January 12, 1972, instead of 1962, and the minutes of June 20 were approved as submitted.

The Executive Director requested consideration of a resolution with reference to the retirement of Mrs. Maye T. Peabody, a long-time employee of the Trustees' office.

The Trustees extended their congratulations to Mrs. Peabody and on motion by Mr. Shevin, seconded by Mr. Dickinson and carried unanimously, adopted the resolution which is attached and made a part of these minutes.

-2-

INDIAN RIVER COUNTY - Application for Quitclaim Deed
File No. 2460-31-253.12(6), 0.48 acre
(June 8, 1972)

Staff Description: A parcel of filled sovereignty land in Bethel Creek abutting Section 29, Township 32 South, Range 40 East, Indian River County.

- A. CITY AND COUNTY - Vero Beach, Indian River County.
- B. APPLICANT: R I Vero Beach, Inc.,
2901 Ocean Drive, Vero Beach, Florida 32960
- C. APPLICANT'S
REPRESENTATIVE: Sherman N. Smith, III
Post Office Box 518, Vero Beach, Florida 32960
- D. ACREAGE: 0.48 acre
RATE: \$100 for the parcel as it existed in its unfilled state.
- E. APPRAISAL: Memorandum of Appraisal by Staff Appraiser May 30, 1972.
- F. PURPOSE: Zoned CLA - Commercial District
- G. BIOLOGICAL
RESPONSES: Not applicable
- H. STAFF REMARKS: The applicant applied for a quitclaim deed pursuant to Section 253.12(6) Florida Statutes, which provided that "Where any person, state agency, county, city or other political subdivision prior to June 11, 1957, extended or added to existing lands or islands bordering on or being in the navigable waters as defined in this section, the Board shall upon application therefor convey said land so filled to the riparian owner or owners of the upland so extended or added to. The consideration for such conveyance shall be the appraised value of said lands as they existed prior to such filling."

Three affidavits have been submitted which state that the parcel was filled prior to June 11, 1957.

The applicant has submitted \$100 processing fee, \$150 appraisal fee, and \$100 as consideration for the parcel.

Staff requests authority to issue the quitclaim deed.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Dickinson and Mr. O'Malley, and carried unanimously, that the Trustees authorize issuance of the quitclaim deed.

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MONROE COUNTY - Dredge and Fill Permit No. 253.03-151
(March 8, 1972)

APPLICANT: Spence H. Pass, c/o Bailey and Associates,
Post Office Box 349, Islamorada, Florida 33036

PROJECT: To fill in the submerged land conveyed to Mr. Alban Reid by TIITF Deed 22062 containing 3.50 acres. The existing small and shallow channel which passes through the area to be filled will be relocated around the fill area. The new channel will be 50 feet wide along the southeasterly side of the subdivision and 30 feet wide along the northeasterly side. This channel will be excavated to 5 foot depth at mean low water. The interior canals will be excavated to -25 feet and the fill from these canals and the perimeter channel will be used to fill the balance of the submerged land in the plat. Applicant requests that project be placed on the agenda despite the adverse environmental comments, and requests approval.

LOCATION: Marion Park, Key Largo, Plat Book 1, Page 59, Monroe County, Section 5, Township 62 South, Range 39 East.

MATERIAL: Approximately 4,500 cubic yards will be excavated from the perimeter canal and 24,000 will be excavated from the interior canals. All spoil will be placed on the designated areas.

PAYMENT: \$450 has been paid for sovereignty material.

STAFF
REMARKS: Field Operations Division recommends denial of permit.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Recommend only minimal filling of Lots 5, 6, 7; no major filling of submerged land is recommended.

Game and Fresh Water Fish Commission - Recommend that permit be denied because the area is a biologically important portion of the ecosystem.

Department of Pollution Control - Will have definite adverse effects on water quality.

Staff recommends denial of Permit No. 253.03-151 and refund of \$450 that was paid for sovereignty material.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley, to uphold the staff recommendation for denial.

Mr. William J. Roberts, attorney representing the applicant, discussed factors which in his opinion justified overriding the staff recommendation. He said the land was purchased from the state in 1959 and plat recorded in Monroe County showed lots and

water canals, approximately half the work was completed under U. S. Corps of Engineers permit, the project was abandoned in 1967 for economic reasons, the property was purchased in 1967 and the present owner desired to complete the project. Mr. Roberts considered it not contrary to the public interest to serve lot owners in a subdivision platted before present regulations were adopted, and said the legislative intent was to permit small navigational access projects of this kind notwithstanding damage to the ecology.

It was brought out that some lots were sold since 1967 and some by the prior owner, and that contract for deed included a plat showing water canals. The Governor and Mr. O'Malley commented that some of the owners had recourse, Mr. O'Malley adding that private property rights were involved rather than the public interest and that all the environmental departments had indicated adverse effects.

Mr. Charles Lee spoke in opposition to the project that he said was another example of loss of the natural resources in the Keys.

The Executive Director advised that this work involved more than a navigation channel; furthermore, the present owner did not apply for a permit until March 1972.

The motion by Mr. Stone, seconded by Mr. O'Malley, was adopted without objection to deny the permit and authorize refund of the amount paid for sovereignty material.

-4-

VOLUSIA COUNTY - Fill Permit No. 253.124(8)-266
(March 2, 1972)

APPLICANT: Russell M. Hutchinson,
16 Kathy Drive
Ormond Beach, Florida 32074

PROJECT: To construct a retaining wall and to reclaim land lost by artificially induced erosion.

LOCATION: Section 28, Township 13 South, Range 32 East,
Volusia County.

MATERIAL: All material will be trucked from upland sources.

PAYMENT: None. Sovereignty land not involved.

STAFF

REMARKS: No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - Riprap should be utilized to best preserve the integrity of the aquatic ecosystem.

Department of Pollution Control - No objection provided the seawall is placed at the mean high water line and riprap is placed waterward of the seawall.

Staff recommends issuance of Fill Permit No. 253.124(8)-266 with the stipulation that riprap be utilized on the water side of the retaining wall.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Dickinson and adopted unanimously, to approve the fill permit with the stipulation recommended by the staff.

-5-

OKALOOSA COUNTY - Right of Way Easement, File No. 2439-46-253.03
(April 25, 1972)

APPLICANT: Department of Transportation
Burns Building, Tallahassee, Florida 32304

PROJECT: The original project proposed construction of a box culvert. Plans have been revised for construction of a shore-to-shore bridge across Swift Creek for State Road 20. No dredging or filling is required.

LOCATION: 0.07-acre parcel of sovereignty land in Swift Creek abutting Section 9, Township 1 South, Range 22 West, Okaloosa County.

PAYMENT: None.

STAFF
REMARKS: Field Operations has no objection provided precautions are taken to prevent siltation.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

Staff requests authority to issue right of way easement.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Dickinson and adopted unanimously to approve issuance of the right of way easement to the Department of Transportation.

-6-

BROWARD COUNTY - Dredge Permit No. 253.123-962 and
Fill Permit No. 253.124(8)-224
(May 1, 1972)

APPLICANT: James M. Linden, c/o McLaughlin Engineering Co.
400 NE Third Avenue, Ft. Lauderdale, Florida

PROJECT: To dredge approximately 350 cubic yards of material from a parcel of sovereignty land in the North Fork of New River and to reclaim a strip of land 132 feet long varying in width from 0 to 16 feet lost by artificially induced erosion, and to construct a retaining wall to connect to existing walls on each side.

LOCATION: Section 9, Township 50 South, Range 42 East, Broward County, at the Southerly end of Lots 1 and 2 of Waverly Place, a recorded subdivision, in Ft. Lauderdale, Florida

MATERIAL: 350 cubic yards dredged from sovereignty bottoms in the North Fork of the North New River.

PAYMENT: \$350 received April 27, 1972.

STAFF
REMARKS: Field Operations Division has no objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

OTHERS: City of Ft. Lauderdale - No objection.

Staff recommends issuance of Dredge Permit No. 253.123-962 and Fill Permit No. 253.124(8)-224.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Dickinson and adopted unanimously, to approve the dredge and fill permits recommended by the staff.

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BROWARD COUNTY - Utility Permit No. 253.123(2)(b)-1112
(April 6, 1972)

On June 20, 1972, this application was deferred two weeks at the request of the Secretary of State.

APPLICANT: Broward County Board of County Commissioners
c/o Ross, Saarinen, Bolton and Wilder, Inc.
Post Office Box 1380, Ft. Lauderdale, Florida

PROJECT: To construct a 54" waste water outfall approximately 6,800 feet into the Atlantic Ocean.

LOCATION: Hillsboro Inlet, Broward County, Section 29,
Township 48 South, Range 43 East, Broward County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: 1. Beaches and Shores - No objection.

2. Florida Inland Navigation District - No objection.

Staff recommends issuance of Utility Permit No. 253.123(2)(b)-1112.

ACTION OF THE TRUSTEES:

On this date the Board of Natural Resources had approved an application in connection with the project. Secretary of State Stone referred to a resolution of the Board of County Commissioners of Broward County on May 11, 1971, supporting research and studies directed toward water conservation through reuse of water and he read from a letter stating that the county considers the outfall only an interim measure.

Motion was made by Mr. O'Malley, seconded by Mr. Conner and adopted unanimously, to approve issuance of the utility permit as recommended by the staff.

-8-

DADE COUNTY - Fill Permit No. 253.124-237

The application of the Town of Bay Harbor Islands, to extend the existing seawall on each side of the Broad Causeway in Biscayne Bay in Township 52 South, Range 42 East, Dade County, had been deferred on June 6 and on June 20.

The Secretary of State said that the Metro Commission was considering the matter on this date and has asked for deferral. Therefore, he requested deferral for two weeks.

Without objection, the application for fill permit was again deferred.

-9-

PALM BEACH COUNTY - Memorandum of Agreement
File No. 2462-50-253.42
(March 23, 1972)

APPLICANT: Department of Transportation

PROJECT: The acquisition of highway right of way for a portion of I-95 requires the relocation of a portion of the West Palm Beach Canal right of way under the jurisdiction of the Central and Southern Florida Flood Control District and the relocation of a portion of the tracks and right of way of the Seaboard Coastline Railroad.

The memorandum of Agreement provides that the Department of Transportation, the Central and Southern Florida Flood Control District, the Seaboard Coastline Railroad, an individual, and the Board of Trustees exchange land in the following manner:

The Department of Transportation	
relinquishes title to	5.769 acres
and acquires title for right of	<u>42.890</u>
way to	
Net Gain to D.O.T.	37.121 acres

The Flood Control District	
relinquishes title to	13.64
and acquires title for canal right of	
way to	<u>10.761</u>
Net decrease to FCD	2.879 acres

*The Seaboard Coastline Railroad	
relinquishes title to	26.270
and acquires title for railroad right	
of way	<u>13.768</u>
Net decrease to SCLRR	12.502 acres

An individual relinquishes title to	
Trustees who convey to FCD title to	1.65
Net decrease to individual	1.65 acres

The Board of Trustees relinquishes	41.961
and acquires title to	<u>21.871</u>
Net decrease to Trustees	20.090 acres

*District Appraisal Section, Department of Transportation advises that the Seaboard Coastline property is valued at \$75,990, and the Board of Trustees land is valued at \$13,768. Both appraisals have been reviewed and are considered fair and just by the staff appraiser. The net gain to the state is estimated to be \$62,222.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and carried unanimously, the Board approved the proposed exchange subject to advertisement for objections only, as recommended by the staff.

-10-

FRANKLIN, GULF, LIBERTY, CALHOUN, GADSDEN AND JACKSON COUNTIES -
Seismic Survey Permit
(May 15, 1972)

APPLICANT: Geophysical Service, Inc.
New Orleans, Louisiana

REQUEST: Permission to conduct a seismic survey using air gun method.

LOCATION: Apalachicola River from U. S. Highway 90 down to the Town of Apalachicola and on a line southward into the Gulf of Mexico to a depth of 60 feet.

The Game and Fresh Water Fish Commission has reviewed the request and has no objections. The Department of Natural Resources on June 6 issued a permit for this operation in the offshore area. The project will take four to six weeks to complete.

Recommend issuance of permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and carried unanimously, the permit was approved.

-11-

DUVAL COUNTY - Sewer Pumping Station Easement
(June 5, 1972)

APPLICANT: City of Jacksonville

REQUEST: Easement for a proposed major sanitary sewer pumping station.

LOCATION: The southerly fifty feet of Lot 10, L'Engle's Subdivision of Lots 1 and 2, Block 3, Riverside, as recorded in Plat Book 1, Page 120, former public records of Duval County, Florida. The size of the parcel requested is 50 feet wide and 246.7 feet long.

The parcel is approximately one-third of the total area necessary to construct the pumping station. The balance of the site is being acquired by the City from the Florida Medical Association, adjoining owner. This property is a portion of the Riverside Avenue Highway Patrol Station. The Department of Highway Safety and Motor Vehicles has reviewed this request and approves the easement stating that it will not adversely affect the department's operation.

Recommend issuance of easement for sanitary sewer pumping station and associated facilities use only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and carried unanimously, the Board approved easement for sanitary sewer pumping station and associated facilities use only.

-12-

PINELLAS COUNTY - Easement for Electrical Service
(June 5, 1972)

APPLICANT: Florida Power Corporation
St. Petersburg, Florida

REQUEST: Easement for electrical distribution system facilities

LOCATION: The St. Petersburg Regional Community Center described as Tract 1 and plat recorded in

Plat Book 66, Page 19, Public records of Pinellas County, Florida, lying and being in the SE 1/4 of Section 13, Township 30 South, Range 15 East, Pinellas County.

The Department of Health and Rehabilitative Services has requested Florida Power Corporation to furnish the electrical service facilities necessary for the buildings now under construction and approves the issuance of the easement.

Recommend issuance of the easement requested for electric service facilities only.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone and carried unanimously, to approve the easement for electric service facilities only.

-13-

BAY COUNTY - Public Sale of Murphy Act Land
(May 26, 1972)

LAND DESCRIPTION: W 1/2 of Lot 8 and W 1/2 of Lot 23, Block 48
and W 1/2 of Lot 8 and W 1/2 of Lot 23, Block
51, Calloway Plat, Section 17, Township 4 South,
Range 13 West, Bay County.

LOCATION: Within the incorporated limits of the City of Calloway.
These lots are within an old undeveloped residential
section of the city.

APPRAISAL: By staff appraiser, \$725.

AUTHORITY

FOR SALE: Section 197.350, Florida Statutes.

DATE OF

SALE: May 25, 1972, by Clerk of Circuit Court of Bay County.

HIGH BIDDER: Mildred Kneece
406 Magnolia Avenue, Panama City, Florida

HIGH BID: \$725.

Recommend confirmation of sale of the land to Mildred Kneece for \$725 plus costs of advertising and clerk's fee.

ACTION OF THE TRUSTEES:

On motion made by Mr. Stone, seconded by Mr. Christian and carried unanimously, the Board of Trustees confirmed sale of the land to Mildred Kneece for \$725 plus costs of advertising and clerk's fee.

-14-

LEON COUNTY - Surplus House Disposition
(June 1, 1972)

The Department of General Services requests the Trustees to clear the land at 210 West Gaines Street by disposing of the one-story brick building on the site. The Department has been unsuccessful in finding a tenant for the building. The building is reported to be structurally unsound due to termite damage to the supporting sills and should be removed so that more productive use may be made of the area.

Recommend requesting sealed bids for the removal of the building.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and carried without objection, the Board approved the recommendation to request sealed bids for removal of the building.

-15-

CLAY COUNTY - Dredge Permit No. 253.123-1125
(March 7, 1972)

APPLICANT: Houdaille-Duval-Wright Co.
Post Office Box 1588, Jacksonville, Florida

PROJECT: To dredge 2 navigation channels 125 feet wide by 5 feet deep by 600 feet long for barge access during construction of new bridge for U. S. 19 (S.R. 15) crossing Black Creek.

LOCATION: Township 5 South, Range 26 East, Clay County.

MATERIAL: 6,944.44 cubic yards of material will be removed.

PAYMENT: Request waiver of payment as the material will be deposited on the road right of way.

STAFF

REMARKS: No objection, provided the spoil area is properly diked.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The application has been revised to eliminate spoiling on submerged lands. The proposed project will limit disturbance of submerged bottoms to the dredge areas and if silt is carefully controlled, the project will have significantly less adverse effects on marine biological resources than would the original application.

Game and Fresh Water Fish Commission - Recommends that all spoil material be placed on upland rather than stockpiling alongside channels and subsequently backfilling channels.

Department of Pollution Control - No objection.

Staff recommends issuance of Dredge Permit 253.123-1125 and waiver of payment for material, as the material will be placed on Department of Transportation right of way.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and carried unanimously, the Trustees approved the dredge permit without charge for the material as recommended by the staff.

-16-

COLLIER COUNTY - Fill Permit No. 253.124(8)-295
(April 13, 1972)

APPLICANT: Everglades City Properties, Inc.
c/o Edward S. Jaffry, Suite 700, Tallahassee Bank Building, Tallahassee, Florida

PROJECT: To construct a seawall 1 foot landward of the existing deteriorated wooden seawall and to reclaim a strip of land 800 feet long varying in width from 0 feet to 16 feet which has been lost due to failure of the wooden seawall and avulsive action caused by boat traffic.

LOCATION: Barron River in Section 14, Township 53 South, Range 29 East, Collier County.

MATERIAL: Needed for backfilling will come from upland sources.

PAYMENT: None. Sovereignty land not involved.

STAFF

REMARKS: Inquiry of a Collier County contractor indicates that the use of riprap would require extensive dredging to construct an underwater berm to serve as a foundation for the riprap. The contractor also indicated that the riprap might not stay in place as the currents in this area would probably erode away the berm.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Reconstruction of this old seawall and filling the narrow strip of submerged land should not have significant adverse effects on marine biological resources providing siltation is carefully controlled.

Game and Fresh Water Fish Commission - Suggests that the applicant consider utilizing riprap in place of the vertical seawall and that the structure be established at or behind the existing mean high water mark.

Department of Pollution Control - Project exempt from certification.

Staff recommends issuance of Permit 253.124(8)-295, provided siltation during construction is carefully controlled.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the staff attempted to have riprap used, as it is a beautiful natural river, but was told it would not work.

Motion was made by Mr. Dickinson, seconded by Mr. Conner and carried unanimously, to approve the permit provided siltation during construction is carefully controlled.

-17-

LEASES OF SOVEREIGNTY LANDS IN LIEU OF LICENSE FOR THE OPERATION OF A MARINA

The staff has prepared guidelines for issuance of marina licenses. However, a situation has arisen with respect to the manner in which the Trustees under current and proposed regulations authorize the use of submerged lands for the operation of a marina. A request for the granting of a long-time lease has been received but consideration appears to be precluded by the policy of the Trustees established July 21, 1970, which limits the term of a lease to 10 years.

The staff desires instruction from the Board with respect to requests for private marina leases, and for terms exceeding 10 years.

Mr. Kuperberg explained that in the course of revising the existing marina license rule the staff received the application of Old Port Cove Condominiums (#19 on the agenda), holder of Marina License ML-3, for a 25-year lease to operate a marina in Lake Worth. The present license was stated as being unacceptable to lending agencies as security and applicant had asked for a lease rather than a license.

In reviewing and revising marina licensing rules for consideration by the Board, the staff had difficulty because of diversity of marinas in size, structures and usage. Furthermore, policy guidance was needed with respect to whether it was in the public interest or not contrary to the public interest to lease submerged bottoms for extended periods and to attempt to project the kind of environmental controls that might be required 25 years from today.

The Attorney General said a new rule could be adopted as the Board had legal authority to grant leases for more than 10 years, that rules should be comprehensive to include all structures in the water, rates

should be accelerated with provision for reviewing prices every 10 years to insure fair compensation to the state. The Governor also considered the present rate inadequate and favored a progressive rate.

Treasurer O'Malley suggested clarification of some of the rules, payment of rental adjusted to take into consideration the gross income, and emphasized the problems of waste disposal. He asked the Director to consider relevant federal and local regulations, particularly the ordinance of the City of North Bay Village in Dade County.

Comptroller Dickinson commended the Old Port Cove marina operation and said their problem was shared by others, as use of the term "license" affected ability to secure long-range financing. He asked the staff to study all possibilities and prepare alternatives for consideration by the Board.

Mr. Gene Potter explained the usage of this marina and the time problem. Also speaking for the applicant, Mr. Joe Jacobs said his client has worked with the staff to resolve the majority of the problems, that the proposed lease requires compliance with federal and state standards, but that time was now a big factor.

The Governor pointed out that the staff was in the process of developing marina guidelines, that this particular application would act as a catalyst with respect to the possibility of extending leases for more than 10 years, and if granted before guidelines are adopted, this lease will contain specific requirements. Mr. O'Malley added that there should be reasonable and realistic provisions for waste collection and disposal.

Without objection, the Board deferred for two weeks the marina guidelines and the request of Old Port Cove Condominiums, instructing the staff to prepare specific recommendations for a lease to be considered by the Trustees.

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PASCO COUNTY - Right of Way Easement
(May 25, 1972)

APPLICANT: Board of County Commissioners
Pasco County, Dade City, Florida

PROJECT: Highway and bridge construction across the Anclote River. Dredging is required to remove original bridge approaches from the river bottom.

LOCATION: 0.299-acre parcel of submerged land, Sections 21 and 22, Township 26 South, Range 16 East, Pasco County.

PAYMENT: None.

STAFF
REMARKS: The original bridge was damaged by a storm in September 1971. The present proposed construction project has been reviewed and the Field Operations Division has no objections to the project.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: The Southwest Florida Water Management District recommends that the low bridge member be constructed at 18' M.S.L. so as to accommodate the 25-year flood frequency.

Staff requests authority to issue right of way easement.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Stone and carried unanimously, to grant the requested right of way easement.

-19-

PALM BEACH COUNTY - Marina License ML-3
(May 23, 1972)

APPLICANT: Old Port Cove Condominiums
Post Office Box 2201
Palm Beach, Florida 33480

PROJECT: To construct and operate a marina in the waters of Lake Worth. Total area occupied is 573,055 square feet.

LOCATION: Section 9, Township 42 South, Range 43 East, Palm Beach County

PAYMENT: \$11,461.00 annually

STAFF

REMARKS: This application for marina license was approved by the Trustees August 11, 1970. The present license is not acceptable to lending agencies as security. The applicant cannot obtain long term financing unless he has a lease covering the submerged lands occupied by the marina facility.

Representatives of the applicant are here and would like to be heard.

ACTION OF THE TRUSTEES:

Covered in #17 above.

-20-

On motion by Mr. Christian, seconded by Mr. O'Malley and carried unanimously, the rules were waived for consideration of the addendum.

LEE COUNTY - Construction Permit No. 253.124(8)-293
(April 6, 1972)

APPLICANT: James L. Leslie
Box 492
Matlacha, Florida 33901

PROJECT: To reclaim a strip of land 105 feet long and varying in width from 0 to 25 feet, lost by artificially induced erosion caused by boat traffic, and to install a seawall to connect seawalls existing on each side of the property.

LOCATION: The Northerly part of undivided Lot A of Unit 2, Sixth Addition to Island Harbors, Section 24, Township 44 South, Range 22 East, Lee County, Florida

MATERIAL: None

PAYMENT: None. No dredging required.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES; Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners of Lee County
issued permit in accordance with Section 253.124(8)
Florida Statutes.

Staff recommends issuance of Construction Permit No. 253.124(8)-293.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Christian and carried unanimously, authorizing issuance of the construction permit to James L. Leslie.

SUNSHINE SKYWAY - Repair Causeway

Motion was made by Mr. O'Malley, seconded by Mr. Christian and carried unanimously, to waive the rules for consideration of a request from the Department of Transportation for a repair project which might involve 200,000 cubic yards of fill material for emergency restoration work on the Sunshine Skyway causeway that had suffered damage and should be repaired prior to the possibility of another storm.

In view of the extensive amount of material requested without a specific presentation to the Board, Mr. Kuperberg asked for authority to clear the matter with affected state and federal agencies to try to take care of the application if necessary to permit the work before the next meeting of the Trustees.

Governor Askew said the emergency work was needed for the safety of the bridge and causeway.

On motion by Mr. O'Malley, seconded by Mr. Christian and Mr. Conner, carried unanimously, the Board gave the staff authority to proceed on an emergency basis to authorize the Department of Transportation to do the necessary work.

Mr. Kuperberg reported that the staff was instituting a new permitting procedure in the Trustees' office today.

On motion duly adopted, the meeting was adjourned.

ATTEST:


EXECUTIVE DIRECTOR


GOVERNOR

CHAIRMAN

* * * * *

R E S O L U T I O N

WHEREAS, Maye T. Peabody began her long career of service to the State of Florida in the Land Office of the Department of Agriculture in April of 1942, and

WHEREAS, she has not sought changes in employment but, rather, various organizational changes in state government have from time to time changed her employment, i.e., the Legislature, in July of 1962, transferred the Land Office from

the jurisdiction of the Department of Agriculture to the Trustees of the Internal Improvement Fund, followed by a Cabinet reorganization of the Trustees' staff in April of 1964 at which time Maye T. Peabody assumed the responsibilities of secretary to the chief of the Engineering Section (now the Land Management Division) of the Trustees' office, and

WHEREAS, she has accepted these changes with equanimity while steadfastly and loyally representing her state and her immediate employers, and

WHEREAS, she has assimilated the policies and procedures of the Board of Trustees in such a manner as to be thoroughly competent to advise the public when they inquire as to the processing of various applications,

WHEREAS, her knowledge has been an important part of the Board of Trustees' overall effort to protect the public's interest in state-owned lands, and

WHEREAS, Maye T. Peabody submitted her resignation effective May 31, 1972, in order that she might retire after 30 years of continuous, faithful service;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Internal Improvement Trust Fund, in recognition of her outstanding service to the Board of Trustees and to the State of Florida, does extend to her its official appreciation for the high standards she has set for her work, as well as its sincere tribute for her dedication in the discharge of the responsibilities placed on her as Secretary to the Director of the Land Management Division, and

BE IT FURTHER RESOLVED that the Board of Trustees does hereby extend to her its best wishes for success in her endeavors in the years ahead.

IN WITNESS WHEREOF, we place our hands and seals this 5th day of July, A.D., 1972.

(SEAL)

Board of Trustees of the
Internal Improvement Trust Fund

REUBIN O'D. ASKEW
GOVERNOR

RICHARD (DICK) STONE
SECRETARY OF STATE

ROBERT L. SHEVIN
ATTORNEY GENERAL

FRED O. DICKINSON, JR.
COMPTROLLER

THOMAS D. O'MALLEY
TREASURER

FLOYD T. CHRISTIAN
COMMISSIONER OF EDUCATION

DOYLE CONNER
COMMISSIONER OF AGRICULTURE

* * * * *

Tallahassee, Florida
July 18, 1972

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

-1-

The minutes of the meeting of July 5, 1972, were approved as submitted.

-2-

PALM BEACH COUNTY - Moratorium
(June 19, 1972)

The Board of County Commissioners of Palm Beach County by Resolution No. R-72-200, adopted on April 18, 1972, requests the Board of Trustees to exempt from the Palm Beach County dredging moratorium submarine water and sanitary sewage lines and submarine or aerial electric, telephone and telegraph cable crossings of public waters which are deemed to be in the public interest.

Staff recommends that the Board of Trustees accept Resolution No. R-72-200 and amend the existing moratorium accordingly.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and carried unanimously, that Palm Beach County Resolution No. R-72-200 be accepted and the existing moratorium amended accordingly.

-3-

BAY COUNTY - Bulkhead Line
Right of Way Easement, File No. 2457-03-253.03
Construction Permit No. 253.124-283

Applications of the Department of Transportation were withdrawn from the agenda at the request of the staff, for further discussion on the basis of new information.

-4-

BAY COUNTY - Application for Disclaimer
File No. 2463-03-253.129
(June 22, 1972)

STAFF DESCRIPTION: A parcel of filled sovereignty land in St. Andrews Bay abutting Section 16, Township 4 South, Range 14 West, Bay County.

A. CITY AND COUNTY: Panama City, Bay County

B. APPLICANT: Sudduth Realty Company, Inc.
Panama City, Florida

July 18, 1972

- C. APPLICANT'S
 REPRESENTATIVE: J. Rowe Sudduth
 Panama City, Florida
- D. ACREAGE: 4.67 acres
- E. APPRAISAL: Not applicable
- F. BIOLOGICAL REMARKS: Not applicable
 Remar
- G. STAFF REMARKS: The applicant has made application pursuant to Section 253.129, Florida Statutes which provides that "the title to all land heretofore filled or developed is herewith confirmed in the upland owners and the Trustees shall on request issue a disclaimer to each such owner."

Three affidavits have been submitted that show that the parcel was in place prior to May 29, 1951.

\$100 processing fee has been submitted.

Staff requests authority to issue the disclaimer.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and carried unanimously, authorizing issuance of the disclaimer.

-5-

LEON COUNTY - Drainage Easement
 (May 9, 1972)

APPLICANT: Department of Transportation

REQUEST: Easement for road drainage.

LOCATION: An area 50 feet wide and 981.50 feet long in
 Section 29, Township 1 North, Range 1 East,
 Leon County, containing 1.13 acres, more or less.

The proposed drainage ditch is to be located on a part of the Sunland Hospital property. The area originally proposed has been relocated at the request of the hospital. The Department of Health and Rehabilitative Services has reviewed and approved the easement as relocated.

Recommend issuance of the easement to Department of Transportation for drainage purposes only.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and carried unanimously, authorizing issuance of easement for drainage purposes only.

-6-

PALM BEACH COUNTY - Right of Way Easement,
 File No. 2471-50-253.03
 (May 31, 1972)

APPLICANT: Department of Transportation
 Burns Building, Tallahassee, Florida

PROJECT: Highway construction for Road I-95 in Palm Beach County.

LOCATION: 0.06-acre parcel of Lake Clarke reclaimed land in
 Lot 5, Section 16, Township 44 South, Range 43 East,
 Palm Beach County.

MATERIAL: None.

PAYMENT: None.

July 18, 1972

ECOLOGICAL

RESPONSES: Not applicable, no submerged land is involved.

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and carried unanimously, authorizing issuance of the right of way easement requested by the Department of Transportation.

-7-

COLLIER COUNTY - Artificial Reef Permit No. 253.03-327
(January 12, 1972)

APPLICANT: Deltona Corporation (MIDC)
3250 Southwest Third Avenue, Miami, Florida 33129

PROJECT: To construct an artificial reef in 30 feet of water in the Gulf of Mexico. The reef will have a minimum clearance of 15 feet at mean low water. The reef will be constructed of a barge, two cranes, dredge pipe, concrete rubble and used tires. The reef will be adequately marked with can bouys.

LOCATION: The geographic coordinates are as follows:
Latitude 25° 52' 42" North; Longitude 81° 49' 08" West
Latitude 25° 52' 42" North; Longitude 81° 47' 38" West
Latitude 25° 51' 46" North; Longitude 81° 47' 38" West
Latitude 25° 51' 46" North; Longitude 81° 48' 08" West

PAYMENT: \$50 processing fee received January 12, 1972.

STAFF

REMARKS: Field Operations Division - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Artificial Reef Permit No. 253.03-327.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and carried unanimously, to approve issuance of the artificial reef permit to the applicant.

-8-

OKALOOSA COUNTY - Dredge Permit No. 253.123-1046 - Refund

APPLICANT: Ruckel Properties, Inc.
Post Office Box 187, Valparaiso, Florida

On June 20, 1972, the application for a dredge permit for a channel in Rocky Bayou was denied by the Board of Trustees, based on the adverse comments of the Department of Pollution Control.

Request authority to issue refund of \$191 tendered by this applicant as payment for material.

ACTION OF THE TRUSTEES:

The Director said that refund was for payment for material that was not dredged, and not the processing fee.

Motion was made by Mr. Christian, seconded by Mr. Stone and carried without objection, authorizing issuance of refund of \$191.

-9-

PASCO COUNTY - Construction Permit No. 253.123-1181
(May 25, 1972)

APPLICANT: Board of County Commissioners of
Pasco County
Dade City, Florida

PROJECT: To dredge to restore the river bed to its original cross section, construct a new bridge and remove the existing Bailey Bridge crossing the Anclote River at Cedar Boulevard adjacent to the east boundary of Anclote River Acres - Unit One, a recorded subdivision in Pasco County.

LOCATION: A parcel of sovereignty land containing 0.3 acre more or less in Sections 21 and 22, Township 26 South, Range 16 East, Pasco County.

MATERIAL: 510 cubic yards to be removed from the bridge construction limits 80' x 90' to an elevation of -2.0.

PAYMENT: Pasco County requests waiver of payment since the material will be used on county owned property.

STAFF

REMARKS: Field Operations Division - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Southwest Florida Water Management District - No objection.

Staff recommends issuance of Permit 253.123-1181 to restore the bed at the Anclote River to its original contour in the area of the bridge right of way.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and carried unanimously, the Board authorized issuance of the construction permit for the purpose recommended by the staff.

Motion was made by Mr. Christian, seconded by Mr. Stone and carried unanimously, to waive the rules for consideration of the following applications that had been placed on addendum agenda after printing of the original agenda for this date.

-10-

POLK COUNTY - Application to Purchase Land
File No. 2435-53-253.36

At the request of State Treasurer O'Malley, the Board deferred consideration of the application from Despard Constructors, Inc., to purchase 0.27 acre parcel of filled reclaimed lake bottom land abutting Government Lot, Section 4, Township 29 South, Range 26 East, Lake Lulu, in Polk County.

-11-

DADE COUNTY - Fill Permit No. 253.124-237
(May 25, 1972)

On June 6, 1972, consideration of this permit application was deferred 2 weeks at the request of the State Treasurer.

APPLICANT: Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Miami Beach, Florida 33154

PROJECT: To extend the existing seawall on each side of the existing causeway and place riprap along the toe of the seawall and to back fill with material from upland sources.

LOCATION: Biscayne Bay, Township 52 South, Range 42 East, Dade County.

MATERIAL: Fill material will be from upland sources.

PAYMENT: None. Sovereignty lands not involved.

STAFF
REMARKS: This item is placed on the agenda at the request of Comptroller Dickinson.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Project has been modified to agree with the recommendations of Department of Natural Resources.

Game and Fresh Water Fish Commission - Objects to the project.

Department of Pollution Control - No objection.

OTHERS: Mrs. Stanley Goldberg, Member, Board of County Commissioners - opposes the construction of the seawall.

Staff recommends issuance of Fill Permit 253.124-237.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the staff had not received information regarding any problem that had not been considered, and while there obviously were problems of jurisdiction between the communities, the staff found them to be beyond the jurisdiction of the Trustees. The Legislature conveyed the bottoms on which the causeway stands to the Town of Bay Harbor Islands and the staff considered it in the public interest to allow a seawall to be constructed as a protection to the public right of way. The plan had been modified as recommended by the Department of Natural Resources, the only environmental agency objecting was the Game and Fresh Water Fish Commission. The staff recommended issuance of the fill permit.

Mr. Shepard Broad, Mayor of Bay Harbor Islands, answered questions and explained the need to complete the seawall to contain the causeway embankment. City Engineer Carl H. Peterson said it was necessary in his professional opinion, he had recommended it some years ago, and the town had awaited accumulation of sufficient funds for the construction.

Mr. Charles Lee of the Florida Audubon Society and Tropical Audubon Society objected that it was not necessary to broaden the causeway or stabilize the shoreline, that it would further malign North Biscayne Bay without benefit to the public.

Mr. Elmore Kerkela, President of Dade County Association of Unincorporated Areas, also objected to the filling and suggested that the causeway should be returned to the state and Dade County.

July 18, 1972

Mr. Martin D. Kahn, attorney for the City of North Miami linked to the applicant town by this causeway, objected that North Miami did not desire a service station or toll facility any nearer than at present.

Mr. Kuperberg reported having received a telephone call this morning from Commissioner Joyce Goldberg. Mr. Stone added that she requested further postponement.

Attorney General Shevin asked if the town would accept an amendment to limit any commercial development, and Mayor Broad explained that no other use was contemplated than that for the last 20 years, that they asked only for a permit for a seawall.

Governor Askew said the decision should be based on what was properly before the Trustees, whether in the opinion of the staff and Executive Director Kuperberg it was in the public interest to stabilize the causeway.

Motion to approve the application was made by Mr. Dickinson, seconded by Mr. Christian and passed on a vote of six to one, with Attorney General Shevin voting in the negative.

-12-

REQUEST TO TAKE APPROPRIATE LEGAL ACTION

The staff has unsuccessfully attempted to negotiate settlement on two matters. The first involves the unpermitted borrowing of approximately 880,000 cubic yards of material off Rockland Key in Monroe County by Charley Toppino and Sons, Inc., and any related violations. The second involves deviation from a dredge permit by West Valley Estates, Inc., in Deep Lagoon, Lee County, during the fall of 1971, by which approximately 39,000 cubic yards of fill material was illegally taken and three acres of productive grass bottoms lost.

Staff requests authority to institute appropriate legal proceedings in both matters.

ACTION OF THE TRUSTEES:

The Director advised that a telegram had been received from the attorney for West Valley Estates, Inc., asking for deferral.

At the request of the Comptroller, the Trustees deferred consideration of item 12 for two weeks.

In response to Mr. Kuperberg's request for direction for the staff, Mr. Christian indicated that litigation appeared to be necessary, but both items would be considered by the Board in two weeks.

-13-

HILLSBOROUGH COUNTY - Construction Permit No. 2181
Fill Permit No. 253.124-317
(May 12, 1972)

APPLICANT: Tampa Port Authority
811 Wynkoop Road, Post Office Box 2192
Tampa, Florida 33601

PROJECT: Construction of bulkheads, dolphin type pilings,
and wharves at Hookers Point in Hillsborough Bay
at Tampa, Florida.

LOCATION: In Section 31, Township 29 South, Range 18 East and
Sections 29 and 32, Township 29 South, Range 19 East
Southern Land Cut "D" Channel and East Bay Channel
and Turning Basin, Hillsborough County.

MATERIAL: None; no dredging required. All material needed will
come from upland sources.

July 18, 1972

PAYMENT: Not applicable. No state-owned sovereignty lands involved.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - Certificate issued.
No objection.

OTHERS: Flood Control District - No comment. Project lies outside District boundaries.

Tampa Port Authority issued TPA Permit 72-2.

Staff recommends issuance of construction permit 2181 and fill permit 253.123-317.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and passed unanimously, authorizing issuance of the construction and fill permits to Tampa Port Authority.

-14-

MANATEE COUNTY - Dredge Permit No. 253.123-1187
(May 11, 1972)

APPLICANT: Florida Power and Light Company
Room 710, Tallahassee Bank Building
Tallahassee, Florida 32301

PROJECT: To connect a proposed upland intake canal with the navigable waters of the Little Manatee River. The connection will be 15 feet wide by 7 feet deep by 5 feet long.

LOCATION: Section 5, Township 33 South, Range 20 East, Manatee County.

MATERIAL: 15 cubic yards of material is to be removed from sovereignty land and placed on applicant's upland.

PAYMENT: \$15 tendered as payment at standard yardage rates.

STAFF
REMARKS: No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Requested comments from the Florida Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Dredge Permit No. 253.123-1187, subject to a letter of intent from Florida Power & Light that the waters drawn from the Little Manatee River onto the applicant's property shall be made available for public use under the direction of the Florida Game and Fresh Water Fish Commission.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Dickinson and passed unanimously, that the staff recommendation be approved as the action of the Board.

On this date the Board of the Department of Natural Resources also considered this project and approved diversion of water from the Little Manatee River.

-15-

DUVAL COUNTY - Construction, Fill Permit 253.124
Dredge Permit 253.123-1159
(May 9, 1972)

APPLICANT: Jacksonville Shipyards, Inc.
Post Office Box 2347, Jacksonville, Florida 32203

PROJECT: To remove and relocate an existing bulkhead and to perform maintenance dredging in an existing ship basin. 233,500 cubic yards of material will be removed. Part of the material will be used to backfill behind new short steel piling bulkhead. The balance will be deposited in an open water spoil area previously authorized under Department of Army Permit 70-2 and Trustees' Permit 253.123-642.

LOCATION: St. Johns River in Section 13, Township 2 South, Range 26 East, Duval County.

MATERIAL: 233,500 cubic yards of material to be removed from applicant's ownership.

PAYMENT: None. No sovereignty material involved.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The project is located within an existing shipyard and industrialized section of downtown Jacksonville. New bulkheads will be placed behind the old bulkhead facilities. The mud, sand and silt bottoms in the dredge area are deep and unvegetated. Dredging these bottoms should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - No objections provided precautions are taken to control siltation and turbidity.

Department of Pollution Control - No objection.

OTHERS: Duval County - By Resolution 72-490-141 issued a construction permit.

Staff recommends approval of the construction, dredge and fill permit 253.123-1159 and 253.124 provided precautions are taken to control siltation and turbidity.

ACTION OF THE TRUSTEES:

The members had been furnished copies of a letter from Mr. Curtis Lovelace withdrawing objections to the permit but still objecting to the open water spoil disposal area. Mr. Kuperberg said the staff considered it bad practice to deposit spoil material in open water but there was no reasonable alternative.

Secretary of State Stone said at his request the objector in Jacksonville checked the site and agreed there was no other reasonable spoil disposal site.

On motion by Mr. Christian, seconded by Mr. Stone and passed unanimously, the Board approved the construction, dredge and fill permits provided precautions are taken to control siltation and turbidity as recommended by the staff.

-16-

PASCO COUNTY - File 24663(774-51)-253.124
(June 19, 1972)

Block M. Incorporated, a Non-profit corporation,
Route 4, Box 1908A, Hudson, Florida, applicant

July 18, 1972

The Board of Trustees in meeting on July 22, 1969, approved the permit issued by Pasco County to Block M, Incorporated, a non-profit corporation, to dredge and fill submerged land previously conveyed by the Board. The permit expires on July 22, 1972.

On June 19, 1972, applicant requested a three-year extension of the permit. Staff requested additional information before action could be taken. This information was hand-delivered on July 17, 1972. Staff is unable to obtain the necessary comments prior to the agenda date.

The Commissioner of Agriculture requests this matter be placed on the agenda and that the permit be extended for 60 days so that up-to-date comments can be obtained from the environmental agencies.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Conner and passed unanimously, that the permit be extended for 60 days as requested by Mr. Conner, so that current environmental reports might be secured.

-17A-

PASCO COUNTY - Construction Permit No. CP2169
(July 10, 1972)

APPLICANT: Tahitian Development Co.
5403 Aloha Place, Holiday, Florida 33589

PROJECT: To construct a bridge across the Anclote River for public access to applicant's development at SR S-54. All construction will be above mean high water mark.

LOCATION: West 1/2 of Section 22, Township 26 South, Range 16 East, Pasco County.

MATERIAL: None- No dredging required.

PAYMENT: \$100 for construction permit.

STAFF
REMARKS: Field Operations Division comments not required.

This application is submitted as an addendum at the request of the Governor's Office.

ECOLOGICAL
RESPONSES: Not applicable.

OTHERS: Southwest Florida Water Management District issued Permit No. 72-163 on June 27, 1972.

Staff recommends issuance of Construction Permit No. 2169.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed unanimously, the Trustees approved issuance of the construction permit as recommended by the staff.

-17B-

PASCO COUNTY - Right of Way Easement No. 2473-51-253.03
(July 10, 1972)

APPLICANT: Tahitian Development Co.
5403 Aloha Place, Holiday, Florida 33589

PROJECT: Private construction of highway and bridge for public access, State Road S-54.

No dredging or filling is required.

July 18, 1972

LOCATION: 0.103-acre parcel of sovereignty land in the Anclote River in the West Half of Section 22, Township 26 South, Range 16 East, Pasco County.

PAYMENT: None.

STAFF

REMARKS: The applicant is obligated to dedicate the highway and bridge to Pasco County upon completion of the construction.

This item is submitted as an addendum at the request of the Governor's Office.

ECOLOGICAL

RESPONSES: Not applicable.

OTHERS:

1. The Department of Transportation has reviewed the preliminary plans and finds them satisfactory.
2. Southwest Florida Water Management District issued its permit to construct a bridge across the Anclote River.

Staff requests authority to issue right of way easement.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone and passed unanimously, that the right of way easement be approved.

Mr. Kuperberg stated that both of the applications from Tahitian Development Company were held until the bottom members of the bridge could be elevated in conformance with the recommendation of Southwest Florida Water Management District.

PALM BEACH COUNTY - Old Port Cove Condominiums

On July 5 the Board discussed an application from Old Port Cove Condominiums, holder of Marina License ML-3, for a 25-year lease of the sovereignty lands and the staff was instructed to prepare recommendations to be considered by the Trustees.

Negotiations by the staff and the applicant's attorney failed to resolve differences with respect to the lease term and the basis of compensation. Additional safeguards and further modifications recommended by the staff were discussed by Mr. Sherman Weiss, Trustees' staff counsel, including applicant's request for a 25-year term with one five year option, staff proposal for renegotiation in 10 years with respect to rental payable to the state for use of the submerged land covered by lease, a covenant against erection of structures on the sovereignty land for the conduct of any business other than a marina, and applicant's request for right to cancel on 90 days' notice.

While the applicants had explained a time problem, there had been insufficient time for the staff to resolve the differences. Mr. Kuperberg felt that disposition of differences depended on the applicant agreeing to a lease provision for renegotiation of rental. As a lease would commit state lands for 30 years, the staff needed guidance from the Board as to whether the staff position for renegotiation was proper.

Mr. Thomas M. Ervin, attorney representing the applicant, discussed their acceptance of some changes recommended by the staff, need for a 25-year term because of requirements of their lending institution, and the problem the suggested renegotiation of rental would present to his client. He agreed to continue to negotiate with the staff during the next two weeks and try to work out the lease provisions.


The Secretary of State recommended that representatives from each of the Trustees meet with the staff and the applicant's attorney to consider the suggestions and differences and redraft a lease for consideration by the Board.

Governor Askew pointed out that a general state policy and the public interest had to be considered with respect to terms of leases, and the applicant should try to follow the recommendations of the staff.

Comptroller Dickinson recommended that meetings begin today to try to complete the working out of those disagreements still pending.

Without objection, action was deferred until the next meeting and the staff was instructed to follow the recommendation of the Secretary of State that cabinet members' aides assist in the negotiations.

On motion duly adopted, the meeting was adjourned.


GOVERNOR CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

Tallahassee, Florida
August 1, 1972

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

-1-

Approval of the minutes of July 18 was deferred.

Motion was made by Mr. Stone and adopted without objection to waive the rules for the following matter.

Attorney General Shevin brought up the application of the Town of Bay Harbor Islands for a permit for work on Broad Causeway which the Board had approved on July 18. Subsequently, the staff received information indicating a problem of jurisdiction between the Town of Bay Harbor Islands and the City of North Miami and the Executive Director requested an opinion from the Attorney General. However, Mr. Shevin felt that since he was the only member who voted against the project he should not be placed in a position of having to render an opinion that might give the appearance of a conflict, and urged that the request for his opinion be withdrawn and the staff legal counsel be called on to furnish the legal opinion on jurisdiction.

Mr. Kuperberg said the application had been deferred six weeks but the evidence indicating a problem of jurisdiction was not presented to the staff until the day after the Board's action approving the permit. The staff had not yet issued the permit.

August 1, 1972

Governor Askew said he considered the Attorney General's request proper. The Director was instructed to request an opinion from the staff legal counsel and in the event it was determined there is not authority to proceed to issue the permit, he was instructed to bring the matter back for consideration by the Trustees.

-2-

PUTNAM AND FLAGLER COUNTIES - Oil Lease Public Hearing

On June 20, 1972, a five-year oil and gas drilling lease was awarded to Gilbert E. Thayer and Sam F. Davis d/b/a Thayer-Davis and Associates covering a portion of Lake Crescent and Government Lot 1, Section 27, Township 11 South, Range 27 East, containing 2,792.09 net mineral acres, more or less.

Before lease can be issued, it is necessary to hold a public hearing to allow interested persons to be heard with respect to the issuance of the lease. The hearing is required by Section 253.52 Florida Statutes, when the lease area lies within a radius of three miles of the boundary of any incorporated city or town. The corporate boundary of the Town of Pomona Park lies within three miles of the lease area.

Recommend that James T. Williams of the Trustees' staff be designated to conduct the public hearing pursuant to law and report to the Trustees the results of the hearing.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, approving the staff recommendation for the public hearing.

-3-

HILLSBOROUGH COUNTY - Dredge and Construction Permit 253.123-1115
(May 2, 1972)

APPLICANT: Cities Service Company
Post Office Box 3269, Tampa, Florida 33601

PROJECT: To perform maintenance dredging in Alafia River on the applicant's submerged ownership in an existing channel 1,300 feet long x 100 feet wide x 32 feet deep, and to construct a seawall 500 feet long.

LOCATION: Section 22, Township 30 South, Range 19 East, Hillsborough County.

MATERIAL: 2,000 cubic yards to be removed.

PAYMENT: None. No material to be removed from state-owned sovereignty land.

STAFF

REMARKS: Field Operations Division has no objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources has no objection.

Game and Fresh Water Fish Commission has no objection.

Department of Pollution Control has no objection.

OTHERS: Tampa Port Authority Permit 71-25 granted January 11, 1972.

Staff recommends issuance of Dredge Permit 253.123-1115 and Construction Permit for seawall.

August 1, 1972

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, authorizing issuance of the dredge and construction permits recommended by the staff.

-4-

SANTA ROSA COUNTY - Permit No. ML-38
(June 7, 1972)

APPLICANT: City of Gulf Breeze
Post Office Box 640, Gulf Breeze, Florida 32561

PROJECT: Annual renewal of marina license.

LOCATION: Section 9, Township 3 South, Range 29 West,
Santa Rosa County, containing approximately 470 square
feet in Santa Rosa Sound.

PAYMENT: None. Payment for marina license waived by the Board
of Trustees.

Staff recommends renewal of Marina License ML-38.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Dickinson and Mr. Conner, passed unanimously, approving renewal of Marina License ML-38.

-5-

PALM BEACH COUNTY - Easement for Water and Sewer Lines
(June 12, 1972)

APPLICANT: City of Boca Raton

REQUEST: Easement for construction and maintenance of water
and sanitary sewer facilities.

LOCATION: Florida Atlantic University - several parcels varying
in width from ten to sixty feet in Sections 13 and
18, Township 47 South, Range 42 East, Palm Beach County.

The Facilities Committee of the Board of Regents reviewed and approved the requested easement on June 4.

Recommend issuance of the easement for water and sanitary sewer
facilities only.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, authorizing issuance of the easement for water and sanitary sewer facilities only.

-6-

DUVAL COUNTY

APPLICANT: Associated Investment and Development Corporation
Represented by: Mr. Kenneth Kongeal
Akai, Lagon and Shafer
110 Riverside Avenue
Jacksonville, Florida 32202

VIOLATION: Associated Investment and Development Corporation
constructed three unauthorized canal connections
to the Nassau River on Pearson Island, Duval County.
One connection has been plugged by Associated Develop-
ment.

August 1, 1972

SETTLEMENT

PROPOSAL: Associated Investment will convey to the state the unsurveyed portion of the west 1/2 of Section 33, Township 2 North, Range 27 East, Duval County, Florida, South of the Nassau River, consisting of approximately 220 acres of marsh land.

In return, the Board of Trustees shall grant permits for the two open canal connections "A" and "B", and shall dedicate to the public a 100' x 620' road right-of-way now existing on state-owned land immediately adjacent to Pearson Island and offering the only existing land access to Pearson Island.

STAFF

REMARKS: Staff agrees to the proposed settlement.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Describes the area to be deeded to the state as very productive and important to wildlife.

Game and Fresh Water Fish Commission - Approves the settlement.

Department of Pollution Control - No objection to the settlement.

Staff Recommendation: Acceptance of the proposal with the condition that Associated Investment re-plug the third canal connection, "C", in such a manner as to insure its permanence. The existing plug has become seriously eroded and threatens to wash out entirely.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the Corps of Engineers had no objection to the settlement that had been worked out.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, the Trustees accepted the proposed settlement subject to the condition recommended by the staff.

-7-

DUVAL COUNTY - Construction Permit No. 253.123-1089
(March 29, 1972)

APPLICANT: Frank W. Hought
3322 Heathcliff Lane
Jacksonville, Florida 32217

PROJECT: To dredge a 50' x 50' boat slip on sovereignty lands adjacent to the Intracoastal Waterway at Lots 6 and 7 of Pablo Island Unit 1, a recorded plat in Jacksonville, Florida.

LOCATION: Section 6, Township 3 South, Range 29 East, Duval County.

MATERIAL: 33 1/3 cubic yards to be removed from a triangular parcel of submerged land at the southeasterly corner of project area.

PAYMENT: \$33.33 has been paid at standard rates for material.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Florida Inland Navigation District - No objection.

August 1, 1972

Staff recommends issuance of a state construction permit to dredge a boat slip as shown on plans submitted.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Stone and Mr. Conner, and passed unanimously, authorizing issuance of state construction permit to dredge according to the plans submitted.

-8-

PALM BEACH COUNTY - Navigation Dredge Permit No. 253.123-1075
(March 14, 1972)

APPLICANT: William K. Hyotlaine
Post Office Box 413, Jupiter, Florida 33458

PROJECT: Dredge to improve navigation in sovereignty bottoms within the east right of way of Intracoastal Waterway at Jupiter, Florida.

LOCATION: In Government Lot 4, Section 6, Township 41 South, Range 43 East, Palm Beach County.

MATERIAL: 230 cubic yards dredged.

PAYMENT: \$230.00

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

OTHERS: 1. Palm Beach County Area Planning Board - No objection.
2. Palm Beach County Board of County Commissioners - No objection.
3. Florida Inland Navigation District - No objection.

Staff recommends issuance of Dredge Permit 253.123-1075.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Conner and Mr. Stone, and passed unanimously, authorizing issuance of the dredge permit.

Motion was made by Mr. Dickinson, seconded by Mr. Conner and passed unanimously, to waive the rules for consideration of the following applications that were placed on addendum agenda after printing of the original agenda for this meeting.

-9-

HENDRY COUNTY - Consideration of Oil and Gas Lease Bids

On June 20, 1972, at the request of Robert Mosbacher, the Trustees authorized advertisement for sealed bids for a five-year oil and gas drilling lease covering the reserved one-half interest of the Trustees in the petroleum and petroleum products in the W 1/2 of Section 19, N 1/2 and SW 1/4 of Section 21, N 1/2 of Section 29 and all of Section 31 in Township 46 South, Range 31 East, containing 1,760 surface acres (880 net mineral acres) in Hendry County.

Proceeds from the lease will go to Internal Improvement Trust Fund.

The lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, one-eighth royalty, and at least one test well every two and one-half years.

August 1, 1972

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and the Hendry County News with bids to be opened at 10:00 A.M. on August 1 for consideration by the Trustees. The right to reject any or all bids is reserved.

ACTION OF THE TRUSTEES:

Mr. James T. Williams, Director of Land Records Division of the Trustees' Office, announced that one bid was received in response to advertised notice. Mr. Robert Mosbacher of Houston, Texas, submitted a bid of \$5,372.80, which amounts to a bonus of \$5.10 per acre. The bid was in order and Mr. Williams recommended acceptance.

Motion was made by Mr. Conner, seconded by Mr. Stone and Mr. O'Malley, and passed unanimously, that the recommendation be accepted and oil and gas drilling lease be awarded to Robert Mosbacher.

-10-

PALM BEACH COUNTY - Application to Purchase
File No. 2434-50-253.36
(March 3, 1972)

Staff Description: A parcel of reclaimed Lake Okeechobee bottom land in Section 33, Township 41 South, Range 37 East, 0.077 acre.

- A. CITY AND COUNTY: Canal Point, Palm Beach County.
- B. APPLICANT: M. L. Lairsey, et ux.
- C. APPLICANT'S REPRESENTATIVE: Ralph O. Johnson, P.A.
147 Bacom Point Road, Pahokee, Florida
- D. ACREAGE: 0.077 acre.
- E. APPRAISAL: Memorandum of appraisal by staff appraiser.
\$300 for the parcel
- F. PURPOSE: Private residence.
- G. BIOLOGICAL REMARKS: Not applicable.
- H. STAFF REMARKS: The parcel is landward of Lake Okeechobee Hoover Levee and the Florida East Coast Railroad.

On June 6, the Board authorized advertisement for objections only. No objection to the sale has been received.
- I. OTHERS: (1) The applicant believes that such sale would be in the public interest as required by Article X, Section 11 of the Constitution of the State of Florida for the following reasons:
 - (a) The lands have been filled lands for many years.
 - (b) Public access to the lands is blocked because of private ownership on all sides of the parcel sought to be purchased, except to the westerly side, which is bordered by the Florida East Coast Railroad right of way.
 - (c) None of the lands in fact front upon any presently existing navigable waters.
 - (d) The property has no practical or suitable use for recreational or public purposes because of its size and location.

August 1, 1972

Accordingly, applicant would appreciate your giving this matter special consideration because of the hardship to the land owner in making any improvements, or plans for further use of his property, and in view of the fact that such would not seem to be prejudicial to the public interest.

The building has existed for many years and until a recent survey, the owners did not know of the encroachment. The original owners are now deceased and the applicants are purchasers from the estate of the decedents. They desire to repair and improve the property.

- (2) Central and Southern Flood Control District advises that the parcel does not involve District responsibilities or facilities and, therefore, the District has no comment.
- (3) Letter dated July 10 to the Trustees' office from Mr. Robert F. Culpepper, Chairman of the Board of County Commissioners of Palm Beach County, advised that the Board of County Commissioners in its meeting July 6 voted in favor of the granting of this application.

J. Recommend sale at the appraised price of \$300, applicant to submit \$175 for appraisal fee.

ACTION OF THE TRUSTEES:

Commenting on the small size of the parcel of reclaimed land bounded on all sides by upland and with a railroad right of way and the dike between the parcel and the lake, Mr. Kuperberg said the staff felt it was in the public interest to resolve the matter.

On motion made by Mr. Stone, seconded by Mr. Conner and carried unanimously, the Board approved the sale at the appraised price and payment by the applicant of the \$175 appraisal fee.

-11-

POLK COUNTY - Application to Purchase Land
File No. 2435-53-253.36, 0.27 acre, more or less
(September 8, 1972)

Staff Description: A parcel of filled reclaimed lake bottom land abutting Government Lot, Section 4, Township 29 South, Range 26 East, Lake Lulu.

- A. CITY AND COUNTY: Polk County
- B. APPLICANT: Despard Constructors, Inc.
Post Office Box 2237, Winter Haven, Florida
- C. APPLICANT'S REPRESENTATIVE: William J. Roberts
Post Office Box 1386, Tallahassee, Florida
- D. ACREAGE: 0.27 acre, more or less
RATE PER ACRE: Appraised value
- E. APPRAISAL: By staff Appraiser - Sale 0.27 acres,
value of \$4,280, Easement 0.112 acre, value
of \$1,775.
- F. PURPOSE: Residential townhouses.
- G. BIOLOGICAL REPORT: Not applicable

H. STAFF REMARKS: The Board of Trustees on April 22, 1968, authorized the issuance of a dredge and fill permit to the applicant for the purpose of improving his upland with material from Lake Lulu. The Game and Fresh Water Fish Commission had no objection to the project. All material removed from Lake Lulu was to be placed landward of the ordinary high water line.

August 1, 1972

An application was made for a dock permit. The survey furnished with this application was prepared on March 19, 1968, and was in conflict with the one furnished with the dredge and fill application.

By letter on May 20, 1968, the Trustees' staff notified the applicant's surveyor of the discrepancies between the two surveys, that fill could not be placed in the additional area shown in the later survey, and suggested that his client make application to purchase the additional area as reclaimed lake bottom land.

On July 24, 1968, Mr. Despard requested a refund of monies paid for material since he decided not to take material from Lake Lulu.

On August 8, 1968, in response to Mr. Despard's request for refund, the staff wrote to Mr. Despard telling him of a possible encroachment based on the comparison between the 1952 and 1968 surveys, and that in order for him to protect his interest and to remove any doubt about an encroachment on reclaimed lake bottom land, we should be furnished an up-to-date survey showing thereon the original G. L. O. meander line and the normal ordinary high water line of Lake Lulu. There was no response to this letter until June 18, 1971, when a letter was received from a surveyor requesting we quitclaim this land to Mr. Despard.

Lake Lulu has been lowered and the controlled elevation is 131.2 feet above mean sea level. The land lying between the controlled elevation and the original ordinary high water line would be classified as reclaimed lake bottom land. In lieu of other evidence it has been the practice of the staff to accept the G. L. O. meander corners as an indication of the elevation of the ordinary high water line.

The applicant has built several apartments on his upland and what may be reclaimed lake bottom land. The survey furnished the bank for permanent financing indicated parts of the building were constructed lakeward of the G. L. O. meander line. Permanent financing is being held up pending title clearance.

The section corner used by local surveyors to locate the G. L. O. meander line has not been proven to be the true and correct corner. Local surveyors indicate that they think this corner may be as much as two hundred feet east of the true corner. If this is true then the apparent encroachment may be non-existent.

The original lender is about to foreclose its interest in the apartments. This would relieve Mr. Despard of his problem but would not resolve anything since the apparent encroachment would still exist.

Mr. Despard would like to purchase that part of the reclaimed lake bottom land upon which the apartments are built and obtain an easement or lease over the balance of the land. The amount to be purchased is approximately 0.27 of an acre, and the lease area 0.112 of an acre.

Advertisement for objections only was authorized by the Board on April 25, 1972. No objection has been received.

Staff recommends sale at the appraised price and requests authority to issue deed and easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson, passed without objection, the Board approved the sale of the 0.27 acre parcel of reclaimed land at the appraised price and authorized issuance of the easement as recommended by the staff.

August 1, 1972

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PALM BEACH COUNTY - Erosion Control Line
(June 29, 1972)

APPLICANT: J. Eldon Mariott
City of Delray Beach
100 Northwest First Avenue, Delray Beach, Florida

PROJECT: Requests the Board of Trustees to establish an erosion control line in accordance with the provisions of Section 161.151, Florida Statutes, for the purpose of nourishing 15,096 lineal feet of eroded beach.

LOCATION: Atlantic Ocean adjacent to Sections 9, 10, 15, 16, 21 and 28, Township 46 South, Range 43 East, Palm Beach County.

MATERIAL: 2,000,000 cubic yards of material for beach nourishment will be obtained from an offshore borrow area.

PAYMENT: None. Material will be placed on sovereignty land.

ECOLOGICAL RESPONSES: Department of Natural Resources - Certifies that severe beach erosion has occurred in this area and the northerly portion of the beach has been destroyed and the southerly portion may be destroyed in the immediate future unless a publicly financed program is undertaken.

OTHERS: City Council of City of Delray Beach by Resolution 8-72 requests the Board of Trustees to establish an erosion control line for beach nourishment purposes.

Staff recommends authority to advertise that the Board of Trustees or its designee will hold a public hearing in the Delray Beach City Hall at 10:00 A.M. on September 5, 1972, for the purpose of considering evidence bearing on the necessity or propriety of the beach nourishment or restoration program and/or on the proposed location of the erosion control line.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Conner, seconded by Mr. Stone and passed unanimously, approving the staff recommendation for a public hearing.

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REQUEST TO TAKE APPROPRIATE LEGAL ACTION

The staff has unsuccessfully attempted to negotiate settlement on two matters. The first involves the unpermitted borrowing of approximately 880,000 cubic yards of material off Rockland Key in Monroe County by Charley Toppino and Sons, Inc., and any related violations. The second involves deviation from a dredge permit by West Valley Estates, Inc., in Deep Lagoon, Lee County, during the fall of 1971, by which approximately 39,000 cubic yards of fill material was illegally taken and three acres of productive grass bottoms lost.

Staff requests authority to institute appropriate legal proceedings in both matters.

With respect to the request by the staff to take legal action in two instances, the Trustees approved the request to withdraw the first from the agenda because legal counsel for Charley Toppino and Sons, Inc., had indicated a wish to negotiate further.

At the request of Commissioner Conner, the Board deferred action for two weeks on the West Valley Estates, Inc., case.

August 1, 1972

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Board waived the rules to take up the second printed addendum to the agenda.

-14-

PALM BEACH COUNTY - Lease for Marina Purposes
(May 23, 1972)

APPLICANT: Old Port Cove Condominiums
Post Office Box 2201, Palm Beach, Florida 33480

PROJECT: To construct and operate a marina in the waters of Lake Worth. Total area occupied is 573,055 square feet.

LOCATION: Section 9, Township 42 South, Range 43 East, Palm Beach County.

PAYMENT: \$11,461.00 annually

STAFF
REMARKS: This application for marina license was approved by the Trustees on August 11, 1970, and applicant now holds such marina license. However, the present license is not acceptable to lending agencies as security. The applicant cannot obtain long-term financing unless he has a lease covering the submerged lands occupied by the marina facility.

The applicant has worked with staff to reach the terms of the lease and distributed copies of the proposed lease on July 27, 1972. The only portion of the proposed lease unacceptable to staff is Paragraph 1C by which the Board can increase the floor rental every fifth year by 20¢ per 100 square feet. Staff does not feel this provision sufficiently hedges against significant inflation in accordance with the 10% yearly increase allowed by current marina lease regulation. Hence, staff recommends that the following clause be substituted for the applicant's Paragraph 1C:

At the end of the fifth year and every five years thereafter during the life of this lease and any renewal thereof, the amount of the rent payable under Paragraph 1A shall be adjusted for price fluctuation during the previous five year period based upon the Consumer Price Index (for all items) published by the Bureau of Labor Statistics of the United States Department of Labor. The rent under Paragraph 1A for each five year period after the fifth year of the lease shall be computed by dividing the sum of \$11,461.00, the amount of rent for the initial year of the Lease, by the index number for 1972, the initial year of the Lease, and then multiplying that amount by the average of the index numbers for the five year period preceeding that for which the rent will be adjusted. In the event that the Bureau of Labor Statistics shall change the base period (now 1968) for the Cost of Living Index, the new index number for 1972 shall be constituted for that used as the divisor of the rent specified for the initial year of the Lease.

ACTION OF THE TRUSTEES:

The staff requested a change in wording in the section numbered 12 on page 6 of the proposed lease, to insert after "payment of annual rent" the following words: "and provided that no such mortgagee shall thereby acquire any greater right than lessee hereunder." The applicant agreed to this change.

August 1, 1972

On motion by Mr. Stone, seconded by Mr. O'Malley and carried without objection, the Board approved the word change.

Mr. Kuperberg advised that there was still disagreement with respect to paragraph 1C, the question being whether the Board should lease land for 30 years without guarantee to the state that there will be an increase in payment to the state over the years. The staff had provided for an increase in the minimum rental or a decrease, depending upon the cost of living index, and this had been the major disagreement during negotiations with the applicant.

Motion was made by Mr. O'Malley, seconded by Mr. Shevin, to approve substitute Paragraph 1C as recommended by the staff. Mr. O'Malley commended Mr. Kuperberg for his insistence on this provision in the lease.

Mr. Tom Ervin, representing the applicant, discussed the rental provision in the lease as offered by his client which he felt did protect the state without the rent uncertainty, he said, that might cause some problem to his client.

Governor Askew expressed misgivings at the long term of the lease, and pointed out that the staff proposal was to give the applicant the extended lease term requested, subject to the state being protected by the proposed staff provision for base rental adjustment.

Comptroller Dickinson discussed the proposed guaranteed minimum. He thought the applicant should try to accept a final decision today.

The alternate Paragraph 1C recommended by the staff was approved on the motion of the Treasurer, seconded by Mr. Shevin and passed unanimously.

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr. Dickinson, the lease as amended was approved without objection.

Mr. Kuperberg brought to the Board's attention the problem in Monroe County of a fill pit previously approved by the Trustees to provide material for the approaches of Stock Island Bridge, where dynamiting of hard rock might damage nearby houses. The Department of Transportation requested permission to obtain material a short distance away, outside of the permit area. Although the proper maps were not available, the Director requested authority to permit use of the alternate area subject to a Department of Natural Resources report without objections.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the rules were waived for consideration of the matter.

Motion was made by Mr. O'Malley, seconded by Mr. Stone and unanimously passed, to allow the Department of Transportation to use the alternate area subject to a report from the Department of Natural Resources. Mr. Kuperberg said the staff would provide proper maps and information to confirm the application.

On motion duly adopted, the meeting was adjourned.

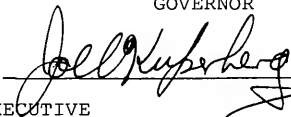


GOVERNOR

-

CHAIRMAN

ATTEST:



EXECUTIVE

DIRECTOR

* * * *

August 1, 1972

Tallahassee, Florida
August 15, 1972

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg _____ Executive Director

-1-

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the minutes of July 18 and August 1, 1972, as submitted.

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ESCAMBIA, SANTA ROSA, OKALOOSA, WALTON, BAY, GULF, FRANKLIN
WAKULLA, JEFFERSON AND TAYLOR COUNTIES - Seismic Survey Permit
(July 11, 1972)

APPLICANT: Geophysical Service, Inc.
New Orleans, Louisiana

REQUEST: Conduct a seismic survey using air gun method which will not utilize explosive charges.

LOCATION: In the Gulf of Mexico, offshore on a line extending from the Escambia and Santa Rosa County line eastward to the Jefferson and Taylor County line.

Coastal Petroleum Company, holder of an oil and gas lease in a portion of the area, has no objection and the Chief of Naval Operations, Commander Eastern Sea Frontier, U. S. Navy, has no objection to the proposed survey. The Department of Natural Resources on March 21, 1972, issued its Permit No. 111 covering this operation.

Recommend approval and consent to the seismic survey insofar as the interest of the Trustees extends.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Dickinson and passed unanimously, approving and consenting to the seismic survey insofar as the Trustees' interest extends.

-3-

DADE COUNTY - Oil Lease Assignment
(July 7, 1972)

APPLICANT: Exchange Oil and Gas Corporation and Mobil Oil Corporation

REQUEST: Consent and approval of assignment to RK Petroleum Corporation

LOCATION: Oil and Gas Drilling Lease No. 1939-1939-S dated September 24, 1963, covering 24,830 net mineral acres in Dade County at Forty Mile Bend.

LEASE

TERM: Ten years from September 24, 1963.

August 15, 1972

Executed instrument of assignment has been filed and approved as to form and legality by the Trustees' legal staff.

Recommend approval and consent to assignment.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley and passed unanimously, approving and consenting to assignment of the oil lease to RK Petroleum Corporation.

-4-

WALTON COUNTY - Public Sale of Murphy Act Land
(July 13, 1972)

LAND

DESCRIPTION: S 1/2 of E 1/4 of N 1/2 of NE 1/4 of NW 1/4, Section 30, Township 1 South, Range 19 West, 2 1/2 acres, Walton County.

LOCATION: The 2 1/2 acres of land is on State Road 83-A five miles south-southwest of Freeport and three miles south of the intersection of State Road 20 and State Road 83-A.

APPRAISAL: By staff appraiser, \$450.

AUTHORITY
FOR SALE: Section 197.350, Florida Statutes

DATE OF
SALE: July 10, 1972, by Clerk of Circuit Court of Walton County.

HIGH BIDDER: Harry O. Seymour
Post Office Box 311, DeFuniak Springs, Florida

HIGH BID: \$450.

Recommend confirmation of sale of the land to Harry O. Seymour for \$450 plus costs of advertising and Clerk's fee.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and passed unanimously, to confirm sale of the Murphy Act Land to Harry O. Seymour for \$450 plus costs of advertising and the fee of the Clerk of the Circuit Court.

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PALM BEACH COUNTY - Application for Disclaimer
File No. 2472-50-253.129(0.90 acre)
(July 10, 1972)

Staff Description: A parcel of filled sovereignty land in Lake Worth abutting Government Lot 2, Section 35, Township 44 South, Range 43 East, Palm Beach County.

A. CITY AND COUNTY: South Palm Beach, Palm Beach County.

B. APPLICANT: South Palm Beach Club.

C. APPLICANT'S
REPRESENTATIVE: Richard D. Holt
First National Bank Building
Palm Beach, Florida 33480

D. ACREAGE: 0.90 acre
E. APPRAISAL: Not applicable
F. BIOLOGICAL
REMARKS: Not applicable.

G. STAFF
REMARKS: The applicant has made application pursuant to

Section 253.129, Florida Statutes, which provides that "the title to all land heretofore filled or developed is herewith confirmed in the upland owners and the Trustees shall on request issue a disclaimer to each such owner."

Two affidavits have been submitted that show the parcel was in place prior to June 11, 1957.

\$100 processing fee has been submitted.

Staff requests authority to issue the disclaimer.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and passed unanimously, authorizing issuance of the disclaimer requested by South Palm Beach Club.

-6-

LEE COUNTY - Dredge Permit No. 253.123-874

At the request of the applicant, James D. Newton, the Board deferred for thirty days the consideration of an application to dredge a navigation channel connecting to Estero Bay and to connect an already excavated upland canal in Section 3, Township 47 South, Range 24 East, Lee County.

-7-

ALACHUA COUNTY - Murphy Act Land Sale (Hardship Act)
(July 5, 1972)

APPLICANT: Harold J. Sutton and Betty Ann Sutton, his wife
Post Office Box 812, High Springs, Florida

REPRESENTED
BY: A. Curtis Powers, Clerk of the Circuit Court

REQUEST: Application under Section 197.355, Florida Statutes, Chapter 28317, Acts of 1953(Hardship Act), to purchase Lot 2, Mur-Son Subdivision embraced in Tax Sale Certificate No. 188 of 1927 in the amount of \$30.34 which included 27 lots.

OFFER: \$80 for this parcel of land. The 1932 assessed value was \$20.

STAFF COMMENTS: This certificate was overlooked when another tax sale certificate was redeemed June 9, 1934. The 1934 taxes were extended and no evidence has been furnished to show that the 1934 taxes were paid. This tax sale certificate is not subject to cancellation under Chapter 20981, Acts of 1941.

Section 197.355, Florida Statutes, provides that the Board may convey the interest of the State to the owner in 1939 or those claiming by, through or under that owner, for such consideration as the Board shall deem equitable and proper without advertisement and public sale.

There has been deposited with the Clerk of the Circuit Court of Alachua County an amount equal to the sum of all state, county taxes and assessments due to the date of the application.

Recommend conveying the interest of the State of Florida in this parcel of land to Harold J. Sutton and Betty Ann Sutton, his wife, for \$80.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and passed unanimously, that the Board convey the interest of the State of Florida in this parcel of land to Harold J. Sutton and wife for \$80 as recommended by the staff.

-8A-

BAY COUNTY - Permanent Easement File No. 2420-03-253.03
(March 6, 1972)

APPLICANT: United States Department of the Navy
Post Office Box 10068
Charleston, South Carolina 29411

PROJECT: Construction of a navigation channel and sheet piling breakwater for a recreational facility.

LOCATION: A 0.20-acre parcel of sovereignty land in St. Andrews Bay abutting Section 33, Township 3 South, Range 15 West, Bay County.

PAYMENT: None.

ECOLOGICAL
RESPONSES: Not applicable.

Staff requests authority to issue the permanent easement.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone and passed unanimously, authorizing issuance of permanent easement requested by the United States Department of the Navy.

-8B-

BAY COUNTY - Dredge Permit No. 253.123-1080
(March 6, 1972)

APPLICANT: Department of the Navy
Naval Facilities Engineering Command
2144 Melbourne Street
Charleston, South Carolina 29411

PROJECT: To construct an upland boat basin for recreational use by Navy personnel and to widen, deepen, and extend an existing small boat channel. The proposed channel will be 735 feet long by 30 feet wide by 6 feet deep.

LOCATION: St. Andrews Bay in Section 33, Township 3 South, Range 15 West, Bay County, Florida

MATERIAL: 14,300 cubic yards to be removed and deposited on Navy property.

PAYMENT: Staff recommends waiver of fee for the material that will be deposited on U. S. Navy property.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Redredging the small boat channel should not have significant adverse effects on marine biological resources. Control measures are needed to contain silt dredging.

Game and Fresh Water Fish Commission - No objection.

August 15, 1972

Department of Pollution Control - This Department has no jurisdiction in this project as Public Law 91-224, Section 21(b)(6) states that "No Federal agency shall be deemed to be an applicant for the purpose of this subsection." The waters of this area of St. Andrews Bay are Class II, but not approved for shellfish. It is recommended that the applicant be directed to provide necessary controls to minimize the effect of the project on water quality during the actual dredging and construction period.

Staff recommends issuance of Dredge Permit 253.123-1080 subject to stipulations of Department of Natural Resources and the Department of Pollution Control; also waiver of payment as the material will be placed on U. S. property.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed unanimously, the staff recommendation was approved as the action of the Board.

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JACKSON COUNTY - Right of Way Easement File No. 2464-32-253.03
(May 2, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Highway and bridge construction for SR 8 (I-10).
No dredging or filling is required.

LOCATION: 1.32-acre parcel of submerged land in the Chipola River, in Sections 23 and 26, Township 4 North, Range 10 West, Jackson County.

PAYMENT: None.

STAFF
REMARKS: Field Operations Division has no objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection, provided precautions are taken during construction to minimize erosion and siltation in the river.

Department of Pollution Control - No objection provided precautions are taken during construction to minimize erosion and siltation in the river.

Staff requests authority to issue right of way easement upon being furnished proof that all abutting upland ownership has been secured.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed unanimously, the staff recommendation was approved as the action of the Board.

-10-

LAKE COUNTY - Utility Dredge Permit No. 253.123(2)(b)-1150
(May 17, 1972)

APPLICANT: Florida Telephone Corporation
Post Office Box 48, Leesburg, Florida 32748

August 15, 1972

PROJECT: To install a 20" diameter steel casing under Trout Run at a point 73' West of the center line of Southbound Lane of SR-19, with 30" min. cover below the bottom of Trout Run.

LOCATION: Section 21, Township 19 South, Range 26 East, Lake County.

MATERIAL: None.

PAYMENT: Not applicable.

ECOLOGICAL Department of Natural Resources - No objection.

RESPONSES: Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - Not applicable.

Staff recommends issuance of permit for Utility Dredging 253.123(2)(b)-1150.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and passed unanimously, approving issuance of the permit for utility dredging.

-11-

PALM BEACH COUNTY - Construction Permit No. 50-31-33
(June 14, 1972)

APPLICANT: City of West Palm Beach

PROJECT: To construct a public fishing pier at 54 Street extending into Lake Worth 120 feet. This area is now a public park facility operated by the city.

LOCATION: Section 3, Township 43 South, Range 43 East, Palm Beach County.

MATERIAL: Not applicable.

PAYMENT: \$100. Application fee has been received.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL Department of Natural Resources - No objection.

RESPONSES: Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

OTHERS: 1. Area Planning Board - No objection.

2. Board of County Commissioners - No objection.

Staff recommends issuance of Construction Permit No. 50-31-33.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley and passed unanimously, approving issuance of construction permit to the City of West Palm Beach.

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PALM BEACH COUNTY - Dredge Permit No. 253.123-997
(November 15, 1971)

APPLICANT: Russel M. Wright
c/o Adair & Brady, Inc.
421 South H Street, Lake Worth, Florida 33460

PROJECT: To excavate an upland boat basin 400' x 150' x 5' deep and to dredge a navigation channel 165' x 50' x 5' into the Intracoastal Waterway. A seawall will be placed inside the boat basin and riprap will be placed along the shore.

August 15, 1972

LOCATION: Section 21, Township 41 South, Range 43 East, Palm Beach County.

MATERIAL: None - Sovereignty lands not involved.

PAYMENT: None.

STAFF

REMARKS: Field Operations has no objection to the revised project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection to the project as revised.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection to revised project.

OTHERS: 1. Palm Beach County Area Planning Board approved.
2. Palm Beach County Board of County Commissioners approved.

Staff recommends issuance of Dredge Permit 253.123-997.

ACTION OF THE TRUSTEES:

Mr. Kuperberg commented that the application was revised so as to remove objections of those environmental agencies that formerly had objected to the project plans.

Motion was made by Mr. Stone, seconded by Mr. Christian and passed unanimously, approving issuance of the dredge permit.

-13-

PINELLAS COUNTY - Construction Permit No. 140
(April 27, 1972)

APPLICANT: City of St. Petersburg
Post Office Box 2842, St. Petersburg, Florida 33731

PROJECT: Construction of a commercial dock at a city park.

LOCATION: Section 19, Township 30 South, Range 17 East, Pinellas County. Sun-lit Cove Drive and Bay Street Northeast.

MATERIAL: None. Dredging not involved.

PAYMENT: Waived.

STAFF

REMARKS: No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Pinellas County Water and Navigation Control Authority - No objections.

Staff recommends issuance of Construction Permit No. 140 and waiver of the fees since the dock is to be used for public recreation.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and Mr. Stone, and passed without objection, approving issuance of the permit without fee for construction of the public dock.

August 15, 1972

-14-

POLK COUNTY - Fill Permit No. 253.124(8)-302
(May 19, 1972)

APPLICANT: Alvin C. Futch
Post Office Box 1686, Route 2, Box 180
Plant City, Florida 33566

PROJECT: To construct a seawall 650' long on the northeast shoreline of Lake Juliana and to reclaim a strip of land varying in width from 1 foot to 15 feet wide lost by artificially induced erosion.

LOCATION: SW 1/4 of SE 1/4 of Section 15, Township 27 South, Range 25 East, Polk County.

MATERIAL: Will be hauled in from upland sources.

PAYMENT: None required, as sovereignty land is not involved.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection, deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff Recommends issuance of Construction Permit No. 253.124(8)-302.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley and Mr. Christian, and passed without objection, approving issuance of the fill permit.

-15-

ST. LUCIE COUNTY - Utility Dredge Permit No. 253.123(2)(b)-1120
(March 17, 1972)

APPLICANT: City of Ft. Pierce
315 Avenue A
Ft. Pierce, Florida 33450

PROJECT: To dredge and place water mains in Blind Creek and Big Mud Creek in and adjacent to SR A-1-A in a trench 3' wide x 60' long and provide a minimum cover of 3' below creek bottoms.

LOCATION: Section 9, Township 36 South, Range 40 East, St. Lucie County.

MATERIAL: None - Material to be filled in place.

PAYMENT: None.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection provided siltation is controlled to protect adjacent vegetated bottoms.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

August 15, 1972

Staff recommends issuance of Utility Dredge Permit 253.123(2)(b)-1120 subject to the stipulation that siltation be controlled to protect adjacent vegetated bottoms.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the utility dredge permit was approved subject to the recommended stipulation to control siltation.

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SANTA ROSA COUNTY - Dredge Permit No. 253.123-812
(May 31, 1972)

APPLICANT: Woodland Lake Property Owners
Woodland Lake Bayou
c/o Commander Hunsley
38 High Point Drive
Gulf Breeze, Florida

PROJECT: To reopen an original channel to a maximum size of 475' x 50' x 5' and clean an existing channel 70' x 35' x 5'. Requested dredging will provide urgently needed flushing action between bay and bayou waters.

LOCATION: Section 6, Township 3 South, Range 29 West, Santa Rosa County.

MATERIAL: Spoil material from channel will be used for beach nourishment on Lot 8.

PAYMENT: Recommend waiver since material will be used for beach nourishment.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Bureau of Beaches and Shores - No objection.

Staff recommends issuance of Dredge Permit 253.123-812 and waiver of fees to Woodland Lake Property Owners.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley and passed unanimously, approving the staff recommendation as the action of the Board.

-17-

SANTA ROSA COUNTY - Dredge Permit No 253.123-1171
(June 19, 1972)

APPLICANT: Pensacola Bay Baptist Association
Post Office Box 5506
Pensacola, Florida 32505

PROJECT: To do maintenance dredging at the applicant's recreational area known as Camp Ada in Santa Rosa Sound, in Santa Rosa County. The material to be removed will be placed on applicant's upland.

LOCATION: Section 26, Township 2 South, Range 27 West, Santa Rosa County.

August 15, 1972

MATERIAL: 297 cubic yards to be removed from sovereign bottoms consisting of silt-detritus and drift sand.

PAYMENT: \$148.50 has been received as payment at standard rates.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection provided the spoil area is diked.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Santa Rosa County Board of County Commissioners - No objection.

Staff recommends issuance of Dredge Permit 253.123-1171 subject to the spoil area being diked to contain the spoil.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and Mr. O'Malley and passed unanimously, approving issuance of the dredge permit subject to the condition recommended.

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the rules were waived for consideration of the following applications on addendum prepared after printing of the original agenda for this meeting.

-18-

ALACHUA COUNTY - Murphy Act Land Sale (Hardship Act)
(July 5, 1972)

APPLICANT: Trustees of the Mount Olive A.M.E. Church
Gainesville, Florida

REPRESENTED

BY: A. Curtis Powers, Clerk of the Circuit Court

REQUEST: Application under Section 197.355, Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act), to purchase the land described as follows: Commence 100 feet North of the Southwest corner of Lot 16, Block 4, Range 1, Roper's Addition to Gainesville; thence run North 50 feet, East 100 feet, South 50 feet, West 100 feet to the Point of Beginning, Alachua County, Florida, embraced in Tax Sale Certificate Nos. 769 of 1915 and 1136 of 1927.

OFFER: \$875, the appraised value for this parcel of land. The 1932 assessed value was approximately \$30.

STAFF

COMMENTS: The Church Trustees, in constructing a new church building on this land, assumed it had good title based on the conveyance to the church in 1953. In applying for a loan in order to complete the building, a title search revealed two tax sale certificates for the years 1915 (\$2.73) and 1927 (\$6.96) that had been overlooked causing title to revert to the state under the Murphy Act.

Section 197.355, Florida Statutes, provides that the Board may convey the interest of the State to the owner in 1939 or those claiming by, through or under that owner, for such consideration as the Board shall deem equitable and proper without advertisement and public sale.

August 15, 1972

There has been deposited with the Clerk of the Circuit Court of Alachua County an amount equal to the sum of all state, county taxes and assessments due to the date of the application.

Recommend conveying the interest of the State of Florida in this parcel of land to the Trustees of the Mount Olive A.M.E. Church for \$120, four times the 1932 assessed value, plus \$275 appraisal costs.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Conner and Mr. O'Malley, and passed unanimously, approving the sale for \$120.00 plus \$275.00 appraisal costs.

-19-

ORANGE COUNTY - Construction Permit No. 48-30-0085
(June 12, 1972)

APPLICANT: Lake Fredrica Club Apartments
c/o George M. Barley, Jr., Partner
305 East Church Street, Orlando, Florida

PROJECT: To construct a dock and boat ramp on Lake Fredrica, a non-meandered, fresh water lake.

LOCATION: Section 3, Township 23 South, Range 30 East, Orange County.

MATERIAL: None. Dredging not involved in project.

PAYMENT: Processing fee of \$100 received August 3, 1972.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Requested Game and Fresh Water Fish Commission to make report.

Game and Fresh Water Fish Commission recommends that shoreline be scraped and leveled on both sides to establish a shallow bar not greater than two feet deep and at least 10-15 feet wide and be planted with maidencane, cattail and pickerelweed. The area in front of the building pad should be placed along the shore to establish a bar similar to that described above. The bar should be planted with natural vegetation.

Department of Pollution Control - Concurs in the recommendation of the Florida Game and Fresh Water Fish Commission.

Staff recommends issuance of Construction Permit 48-30-0085 provided the recommendations of the Florida Game and Fresh Water Fish Commission and Department of Pollution Control are followed.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley and passed unanimously, approving the construction permit subject to the recommendations of the environmental agencies.

-20-

SEMINOLE COUNTY - Construction Permit No. 59-10-0082
(March 24, 1972)

APPLICANT: Howell Investments of Florida, Inc.
c/o Wade L. Hopping
Tallahassee Bank Building, Tallahassee, Florida

August 15, 1972

PROJECT: To construct a pier-supported recreation building 30' x 40' in size projecting 60' into Lake Howell. Applicant owns the submerged land.

LOCATION: Section 28, Township 21 South, Range 30 East, Seminole County.

MATERIAL: None. No dredging required.

PAYMENT: Processing fee.

ECOLOGICAL RESPONSES: Not applicable.

Staff recommends issuance of Construction Permit 59-10-0082.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed unanimously, the Board approved issuance of the construction permit.

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REQUEST TO TAKE APPROPRIATE LEGAL ACTION

The staff has unsuccessfully attempted to negotiate a settlement involving deviation from a dredge permit by West Valley Estates, Inc., in Deep Lagoon, Lee County, during the fall of 1971, by which approximately 39,000 cubic yards of fill material was illegally taken and three acres of productive grass bottoms lost.

Staff requests authority to institute appropriate legal proceedings.

ACTION OF TRUSTEES:

A motion was made by Mr. O'Malley, seconded by Mr. Stone, to approve the staff request.

Mr. William H. Pruitt, attorney for West Valley Estates, Inc., reviewed the background of the project, the charges against his client and efforts to negotiate a settlement. Mr. Pruitt said if there were any criminal liabilities involved, which he denied, then his client should be afforded the opportunity of a trial in Lee County and not be asked by the staff to plead guilty in connection with negotiations of a settlement of alleged damages.

Mr. Kuperberg informed the Board that the applicant had applied for and was denied a permit on an area that was then omitted in a revised application, but the applicant allegedly did dredge in that area. The operation was found and reported to the State Attorney by the Marine Patrol of the Department of Natural Resources.

Mr. M. Stephen Turner, Chief Counsel of the Trustees, added that the staff believed it was a willful and knowing violation, that the staff did not desire to settle damage aspects until the criminal case is disposed of by the court, and it was not at the staff's insistence that negotiations began. Mr. Turner discussed the settlement proposals and answered members' questions.

Mr. O'Malley expressed the opinion that nothing would be solved by entering into civil proceedings at this time, Mr. Stone agreeing that it might be considered at the conclusion of the criminal proceedings. Mr. Dickinson expressed concern at any charge of guilt of citizens. Members said they should do nothing to prejudice or benefit a defendant's position.

Withdrawing his original motion, Mr. O'Malley offered a substitute motion, seconded by Mr. Stone and passed unanimously to defer any further staff negotiations for ninety days with the understanding that the time might be extended until final disposition of the litigation.

August 15, 1972

-22-

LAKE COUNTY - Dredge Permit No. 253.123-959
(June 22, 1972)

This item is placed on the agenda at the request of the Treasurer's office.

APPLICANT: Mid-Florida Lakes
Route 2, Box 289, Leesburg, Florida 32748

PROJECT: To connect an upland canal and upland boat basin with canal to a tributary of Haines Creek; also, to deepen and clean the existing tributary to -6 feet.

LOCATION: Haines Creek, Section 1, Township 19 South, Range 25 East, Lake County.

MATERIAL: No sovereignty material involved.

PAYMENT: None required.

STAFF

REMARKS: Field Operations Division has no objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection provided these stipulations are agreed to:

1. A diaper or curtain will be placed across the mouth of the existing, connected canal, and then the canal cleaned out.

2. The curtain will be left in place, and the applied for connections made. After certification from either the Game and Fresh Water Fish Commission or the Lake County Pollution Control Department that the turbidity is within acceptable limits, the curtain may be removed.

3. If at any time in the future, tests run by the Game and Fresh Water Fish Commission or the Lake County Pollution Control Department reveal that adverse environmental conditions have developed in the canals, the applicant will agree to install and maintain the previously mentioned pumping system. If this system should ever fail and fish mortality occur, the applicant will be deemed liable.

Department of Pollution Control - No objection.

Staff recommends issuance of Dredge Permit 253.123-959 subject to stipulations of the Game and Fresh Water Fish Commission.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, the dredge permit was approved subject to the stipulations of the environmental agency.

-23-

MONROE COUNTY - Dredge and Fill Permit No. 253.03-212
(August 3, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

August 15, 1972

PROJECT: To complete the dredging of 1,004,000 cubic yards of material from an alternate borrow area in the Gulf of Mexico adjacent to Raccoon Key and to use the material to be removed as fill for the four-laning of State Road 5 (U. S. No. 1).

LOCATION: Township 67 South, Ranges 25 and 26 East, Monroe County.

PAYMENT: None. Material will be used to widen State Road 5 (U. S. No. 1).

STAFF
REMARKS: The alternate area was previously approved at the August 1, 1972, meeting on an emergency basis subject to a report from the Department of Natural Resources.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The realignment would permit the dredging of additional shallow bottoms vegetated by seagrasses and algae. However, during the earlier borrow pit selection trip, no other suitable dredge sites could be located. All fill material placed on submerged land as a roadway during the dredging operation should be removed to natural ground elevation.

Department of Pollution Control - No objection to relocation of the borrow pit.

Staff requests confirmation of the issuance of Dredge and Fill Permit No. 253.03-212 subject to the stipulation that all material used as a borrow pit roadway will be removed to natural ground elevation.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed unanimously, the dredge and fill permit was approved subject to the recommended stipulation.

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the rules were waived to consider a matter brought to the Board's attention by Commissioner of Education Christian concerning an urgent application for sewerage pipeline installation for a school soon to open.

The Director explained that the Okaloosa County Board of County Commissioners had requested permission to construct an eight-inch force main across Little Bayou to provide sewer connection for a school near Shalimar, Florida.

The Department of Pollution Control had no objection. The Director advised that comments had not been received from the Department of Natural Resources, but under Section 253.123(3) (a) there is authority to waive biological survey with the approval of five members of the Board.

On motion by Mr. Christian, seconded by Mr. Stone and passed unanimously, the Board approved issuance of the utility permit (Okaloosa County Utility Permit No. 46-23-0055).

Mr. Stone called attention to the composition of pipe for such use, suggesting that the Executive Director look into the use of new plastic pipes for sewage transmission under water bodies.

The Governor said it would be good if the Board could serve as a source of encouragement, in future applications of this kind, for use of the improved type of pipe.

Governor Askew said he would like to publicly commend the general counsel of the Board of Trustees, Mr. M. Stephen Turner, who was resigning. To Mr. Turner, who was present at the

meeting, the Governor extended his personal commendation for a job well done representing the Trustees and offered his very best wishes.

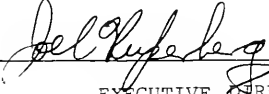
On motion duly adopted, the meeting was adjourned.



GOVERNOR

CHAIRMAN

ATTESTS:



EXECUTIVE DIRECTOR

* * * *

August 15, 1972

Tallahassee, Florida
August 29, 1972

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg	Executive Director
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The Director withdrew the request for approval of the August 15 minutes that were still pending.

On motion by Mr. Christian, seconded by Mr. Shevin and passed without objection, cabinet rule 8 was waived and the Board approved the minutes of May 23, 1972, that had been delayed for study of the wording in the resolution by which the official action on Westinghouse-Tenneco joint venture application was set out in the minutes.

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On motion by Mr. Christian, seconded by Mr. Shevin and passed without objection, the Board authorized correction of the minutes of November 30, 1971, in which the amount of \$64,960.00 was shown in item 7 as consideration paid to the Board of Trustees by Florida Power and Light Company for an easement in Dade County, whereas the corrected appraisal figure and actual consideration received was \$69,314.40.

-3-

ESCAMBIA COUNTY - Advertise for Oil and Gas Lease
(June 29, 1972)

APPLICANT: Humble Oil and Refining Company
by G. Thomas Smith
Post Office Box 12091, Pensacola, Florida

REQUEST: Advertise for bids for an oil and gas drilling lease.

LOCATION: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2; S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 6 and E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ less 1 acre to School and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, one acre in NE corner of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 5 North, Range 31 West; and Lot 2, Section 31, Township 6 North, Range 31 West, containing 203.44 surface Township 6 North, Range 31 West, containing 203.44 surface acres and 102.22 net mineral acres.

INTEREST
OF STATE: An undivided one-half interest held by the state in the petroleum and petroleum products in all of the above land except one acre in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 5 North, Range 31 West, which is owned in fee by the state with the full interest in the petroleum.

Proceeds from this lease will go to General Revenue unallocated.

The request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term lease with annual rental of \$1 per net mineral acre, 1/6

August 29, 1972

royalty, \$50,000 surety bond and at least one test well every 2 1/2 years drilled to 6,000 feet or to a depth sufficient to test the Norphlet Sands, whichever is deeper.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed unanimously, the Board authorized advertising for sealed bids as recommended by the staff.

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HOLMES AND WALTON COUNTIES - Advertise for Oil and Gas Lease
(June 16, 1972)

APPLICANT: Sonat Exploration Company
Houston, Texas 77001

REQUEST: Advertise for bids for an oil and gas drilling lease.

LOCATION: Approximately 37 scattered parcels and subdivision lots in Township 4 North, Range 17 West; Township 4 North, Range 16 West; Township 3 North, Range 17 West and Township 2 North, Range 18 West, containing 1,052.48 surface acres (526.24 net mineral acres) in Holmes and Walton Counties.

INTEREST
OF STATE: State holds an undivided one-half interest in the petroleum and petroleum products reserved when these parcels were conveyed into private ownership under the Murphy Act.

Proceeds from this lease will go to General Revenue unallocated.

This request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term lease with annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one test well every 2 1/2 years drilled to 6,000 feet or to a depth sufficient to test the Norphlet Sands, whichever is deeper.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed unanimously, the Board authorized advertising for sealed bids as recommended by the staff.

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SANTA ROSA COUNTY - Advertise for Oil and Gas Lease
(June 19, 1972)

APPLICANT: Continental Oil Company
Lafayette, Louisiana 70501

REQUEST: Advertise for bids for an oil and gas drilling lease.

LOCATION: NW 1/4 of Section 25, Township 2 North, Range 27 West, less Lots 21, 22, 23 and 24, Block 17, Townsite of Santa Bea, Santa Rosa County, containing 158 surface acres (79 net mineral acres) more or less.

INTEREST
OF STATE: State holds an undivided one-half interest in the petroleum and petroleum products by reason of two deeds issued by the Trustees under the Murphy Act. Proceeds from this lease will go to General Revenue unallocated.

August 29, 1972

This request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term lease with annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one test well drilled every 2 1/2 years to 6,000 feet or to a depth sufficient to test the Norphlet Sands, whichever is deeper.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed unanimously, the Board authorized advertising for sealed bids as recommended by the staff.

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WALTON COUNTY - Advertise for Oil and Gas Lease
(June 16, 1972)

APPLICANT: Sonat Exploration Co.
Houston, Texas 77001

REQUEST: Advertise for bids for an oil and gas drilling lease.

LOCATION: NW 1/4 of SW 1/4 of Section 5 and W 1/2 of SE 1/4 of Section 7, Township 3 North, Range 17 West and NW 1/4 of SW 1/4 of Section 24, Township 2 North, Range 18 West, Walton County, containing 160.97 surface acres (80.48 net mineral acres)

INTEREST

OF STATE: Trustees hold an undivided one-half reserved interest in the petroleum and petroleum products by reason of three deeds issued by the Trustees.

Proceeds from this lease will go to the Internal Improvement Trust Fund.

This request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term lease with annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one test well every 2 1/2 years drilled to 6,000 feet or to a depth sufficient to test the Norphlet Sands, whichever is deeper.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed unanimously, the Board authorized advertising for sealed bids as recommended by the staff.

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WALTON COUNTY - Advertise for Oil and Gas Lease
(July 10, 1972)

APPLICANT: Sonat Exploration Company
Houston, Texas 77001

REQUEST: Advertise for bids for an oil and gas drilling lease.

LOCATION: Two parcels - NE 1/4 of NE 1/4 of Section 35, Township 6 North, Range 21 West, containing 0.25 surface acres and W 1/2 of SW 1/4 of Section 8, Township 5 North, Range 21 West, containing 80 surface acres with a total of 80.25 surface acres (40.125 net mineral acres).

INTEREST

OF STATE: State holds an undivided one-half interest in the petroleum and petroleum products reserved when the parcels were conveyed into private ownership under the Murphy Act.

Proceeds from this lease will go to General Revenue unallocated.

This request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term lease with annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one test well every 2 1/2 years drilled to 6,000 feet or to a depth sufficient to test the Norphlet Sands, whichever is deeper.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed unanimously, the Board authorized advertising for sealed bids as recommended by the staff.

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ALACHUA COUNTY - Murphy Act Land Sale (Hardship Act)
(July 25, 1972)

APPLICANT: Lucille B. McDavid
Post Office Box 1090, Gainesville, Florida

REPRESENTED
BY: Charles M. Gadd, Jr., Attorney At Law
Gainesville, Florida

REQUEST: Application under Section 197.355, Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act), to purchase the land described as follows: NE 1/4 of NE 1/4 South of County Road, Section 33, Township 6 South, Range 18 East; NW 1/4 of NW 1/4, South of County Road, less commence 1,200 feet North of SE corner of N 1/2 of NW 1/4 for the Point of Beginning; thence run West 624 feet; thence run North 832 feet; thence run East 624 feet; thence run South 832 feet to the Point of Beginning; SW 1/4 of NW 1/4, less commence 1,200 feet North of SE corner of N 1/2 of NW 1/4 for the Point of Beginning; thence run West 624 feet; thence run North 832 feet; thence run East 624 feet; thence run South 832 feet to the Point of Beginning; and N 1/2 of NW 1/4 of SW 1/4, Section 34, Township 6 South, Range 18 East, Alachua County, Florida, embraced in Tax Sale Certificate Nos. 442, 443 and 444 of August 1, 1932.

OFFER: \$920 for this parcel of land. The 1932 assessed value was \$4.50 per acre or \$414 for the 92 acres of land.

STAFF

COMMENTS: Tax Sale Certificate Nos. 442, 443 and 444 of August 1, 1932, were overlooked when Tax Sale Certificate Nos. 217 and 218 of 1935 and 219 of 1936 were redeemed March 6, 1942. The amount of the certificates prorated is No. 442 - \$3.72, No. 443 - \$3.55, No. 444 - \$8.33.

Section 197.355, Florida Statutes, provides that the Board may convey the interest of the State to the owner on June 9, 1939, or those claiming by, through or under that owner, for such consideration as the Board shall deem equitable and proper without advertisement and public sale. The applicant qualified under the so-called "Hardship Act" as the former wife of the 1939 owner.

August 29, 1972

There has been deposited with the Clerk of the Circuit Court of Alachua County an amount equal to the sum of all state, county taxes and assessments due to the date of the application.

Recommend conveying the interest of the State of Florida in this parcel of land to Lucille B. McDavid for \$920, following established policy of \$10 per acre.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and passed with all five members present voting affirmatively, that the interest of the State of Florida in the parcel of land be conveyed to Lucille B. McDavid for \$920.00 under provisions of Section 197.355 Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act).

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ALACHUA COUNTY - Murphy Act Land Sale (Hardship Act)
(July 25, 1972)

APPLICANT: Jack H. Matthews
Post Office Box 1090, Gainesville, Florida

REPRESENTED
BY: Charles M. Gadd, Jr., Attorney At Law
Gainesville, Florida

REQUEST: Application under Section 197.355, Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act), to purchase the land described as follows: Commence at the SE corner of N 1/2 of NW 1/4 of SW 1/4, Section 34, Township 6 South, Range 18 East, thence run North 1,200 feet to the Point of Beginning; thence run West 624 feet; thence run North 832 feet; thence run East 624 feet; thence run South 832 feet to the Point of Beginning; said land situate, lying and being in Alachua County, Florida, embraced in Tax Sale Certificates No. 443 and 444 of August 1, 1932.

OFFER: \$120 for this parcel of land. The 1932 assessed value was \$4.50 per acre or \$54 for the 12 acres of land.

STAFF
COMMENTS: Tax Sale Certificate Nos. 443 and 444 of August 1, 1932, were overlooked when Tax Sale Certificate Nos. 218 of 1935 and 219 of 1936 were redeemed March 6, 1942. The amount of the certificates prorated in Nos. 443 and 444 is \$4.18.

The applicant is the son of the former owner on June 9, 1939. The applicant qualifies under the so-called "Hardship Act."

There has been deposited with the Clerk of the Circuit Court of Alachua County an amount equal to the sum of all state, county taxes and assessments due to the date of the application.

Recommend conveying the interest of the State of Florida in this parcel of land to Jack H. Matthews for \$120, following established policy of \$10 per acre.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and passed with all five members present voting affirmatively, that the interest of the State of Florida in the parcel of land be conveyed to Jack H. Matthews for \$120.00 under provisions of Section 197.355 Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act).

August 29, 1972

-10-

LEON COUNTY - Capitol Center Land Acquisition

On February 24, 1970, the Trustees authorized purchase of fourteen parcels of land in the Capitol Center by negotiation for a price not to exceed the appraised value plus 10%.

All of the fourteen parcels have been purchased except three lots. Two of these lots are located on the block lying immediately west of the Collins Building on which the Department of General Services is planning a parking facility. The department has requested that action be taken to acquire these two parcels due to the immediate state need. The two parcels are described as follows: N. 65' of Lots 21 and 22, Capitol Place (Owner: Mildred M. Sonderup) AND Lot 9 and the E ½ of Lot 10, Capitol Place (Owners: Mr. and Mrs. Henry Gray).

As efforts of the staff to acquire these two parcels by negotiation at the appraised value plus 10% have failed, it is recommended that the Board request the Department of General Services to proceed with condemnation proceedings to acquire title to the two parcels.

ACTION OF THE TRUSTEES:

Mr. Christian commented that sometimes it was better to go a little higher than to go to court. The Director advised that 10% above the appraised value was the maximum allowable.

On motion by Mr. Christian, seconded by Mr. Shevin and passed without objection, the Board authorized the Department of General Services to proceed with condemnation proceedings to acquire title to the two parcels cited above.

-11A-

BAY COUNTY - Bulkhead Line
(March 29, 1972)

APPLICANT: Department of Transportation
Burns Building, Tallahassee

PROJECT: Bulkhead Line 853 feet long established by the Board of County Commissioners of Bay County by Resolution No. 566 on October 26, 1971.

LOCATION: Section 17, Township 4 South, Range 13 West, Bay County.

MATERIAL: Not applicable

PAYMENT: Not applicable

STAFF

REMARKS: Field Operations Division has no objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends approval of the bulkhead line as established by the Board of County Commissioners of Bay County.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and passed without objection, approving the bulkhead line as established by the Board of County Commissioners of Bay County.

August 29, 1972

-11B-

BAY COUNTY - Right of Way Easement, File No. 2457-03-253.03
(August 2, 1972)

APPLICANT: Department of Transportation

PROJECT: Highway and bridge construction for Starr Avenue
Some filling of submerged land is required.

LOCATION: 0.38-acre parcel of sovereignty land in Callaway
Bayou abutting Section 17, Township 4 South, Range
13 West, Bay County.

PAYMENT: None.

ECOLOGICAL

RESPONSES: Not applicable

Staff requests authority to issue easement subject to the Depart-
ment of Transportation acquiring abutting upland ownership.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and
passed without objection, authorizing issuance of right of way
easement to the Department of Transportation subject to that
department acquiring title to the abutting upland property.

-11C-

BAY COUNTY - Fill Permit No. 253.124-283
(July 2, 1972)

APPLICANT: Department of Transportation

PROJECT: To fill sovereignty land at Starr Avenue in Callaway
Bayou with 586 cubic yards of material from upland
sources. Fill embankment will be seeded and held in
place by a sheet pile retaining wall.

LOCATION: Section 17, Township 4 South, Range 13 West, Bay
County.

MATERIAL: 586 cubic yards of fill material.

PAYMENT: None.

STAFF

REMARKS: Field Operations has no objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.
Recommendations: Piles to be driven - no jetting;
Bulkhead to be completed before filling.

Department of Pollution Control - No objection.

OTHERS: Bay County Board of County Commissioners approved on
October 26, 1971.

Staff recommends issuance of Fill Permit No. 253.124-283 with
stipulation that the remnants of old dam located just north of
the project site be removed from the site and deposited on Depart-
ment of Transportation uplands.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and
passed without objection, authorizing issuance of the fill
permit with the stipulation recommended by the staff.

August 29, 1972

-12-

DUVAL COUNTY - Dredge Permit No. 253.123-730
(April 10, 1971)

APPLICANT: Commodores Point Terminal Corporation
c/o Harbor Engineering Company
1615 Huffingham Lane, Jacksonville, Florida 32216

PROJECT: Emergency maintenance dredging in the amount of
6,000 cubic yards at the terminal facilities on the
St. Johns River and deposit the spoil in deep water
approved spoil area.

LOCATION: Section 45, Township 2 South, Range 27 East, Duval
County.

MATERIAL: 6,000 cubic yards of silt.

PAYMENT: None. Material to be deposited in existing approved
open water spoil area.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - Objects on
the grounds that open water spoiling "is not in the
best interest of the fish and wildlife resources."

Department of Pollution Control - No objection.

Staff recommends issuance of Dredge Permit No. 253.123-730 as
there is no alternative spoil disposal site.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and
passed without objection, authorizing issuance of the dredge
permit as requested.

Mr. William P. Simmons of Miami, attorney for the applicant, said
there was undue delay in issuance of this permit requested fifteen
months ago for a routine maintenance operation that was required
every year or two for a navigation channel in existence 60 years,
and the delay had caused some harm to the shipping interests that
use the port.

Governor Askew explained that the policy now requires processing
and action by the Board within 120 days from receipt of a complete
application. He assured Mr. Simmons that if a new maintenance permit
was necessary fairly soon, the record would show that this one had
been overdue.

-13-

DUVAL COUNTY - Marina License and Construction Permit No. 16-30-27
(June 27, 1972)

APPLICANT: Florida Yacht Club of Jacksonville
c/o W. E. Arnold
Post Office Box 371, Jacksonville, Florida 32201

PROJECT: To expand and reconstruct a marina facility on
sovereignty land in the St. Johns River. Lands
encompassed by marina equal 164.615 square feet.

LOCATION: Sovereignty lands abutting the John H. McIntosh
Grant in Section 42, Township 3 South, Range 26
East, Duval County.

MATERIAL: None - No excavation involved.

PAYMENT: Check in the amount of \$3,292.30 has been received.

August 29, 1972

STAFF

REMARKS: Field Operations - No objections.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Marina License 16-30-27 subject to applicant furnishing Trustees a complete boundary line description of facility.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Conner and passed without objection, the staff recommendation was approved as the action of the Board.

-14-

MARION COUNTY - Dredge Permit No. 253.123-1218, 42-20-23
(June 14, 1972)

APPLICANT: Silver Springs, Inc.
c/o T. H. Brookbank
Brookbank, Murphy and Shields
1661 Thirteenth Street, Columbus, Georgia 31901

PROJECT: To construct an upland navigation channel 40' wide x 6' deep and 2200' long and connect to the Silver River at Silver Springs, Florida; to widen an existing canal to 40' x 6' deep and construct boat storage and docking facilities; to fill (1,200 cubic yards) the existing canal at the point where it joins Silver River.

LOCATION: Section 6, Township 15 South, Range 23 East, Marion County.

MATERIAL: 1,100 cubic yards of sand and lime rock to be removed from sovereignty lands.

PAYMENT: \$550 check tendered for payment of the material at standard yardage rate.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners of Marion County - No objection.

Staff recommends issuance of Dredge Permit 253.123-1218.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Board authorized issuance of the dredge permit.

August 29, 1972

-15-

HILLSBOROUGH COUNTY - Construction and Dredge Permit No.
253.123-1144
(April 5, 1972)

APPLICANT: Tampa Electric Company
Post Office Box 111, Tampa, Florida 33601

PROJECT: To install sheet steel piling on the outboard side of an existing along-shore channel and to dredge a channel 385 feet wide by 900 feet long by 8 feet deep parallel to the existing channel and to dredge a channel 350 feet long by 200 feet wide by 25 feet deep. No dredging to be done within 50 feet of existing vegetation.

LOCATION: Sections 9 and 16, Township 31 South, Range 19 East, in Hillsborough Bay, Hillsborough County.

MATERIAL: 140,200 cubic yards of material is to be removed and placed on applicant's upland.

PAYMENT: None. State sovereignty lands not involved.

STAFF

REMARKS: Field Operations - No objection. The project is designed to dilute the thermal pollution which will be increased when Unit No. 2 is placed on the line, by mixing cooler bay waters with the heated circulating water discharges into Hillsborough Bay.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection to the smaller channel. Objects to the construction of the larger channel. "The effectiveness of the proposed thermal dilution system has not been explained with this dredging application. Even if the proposed dredging of shallow bottoms is reduced or eliminated to conserve marine habitat, the discharge of heated waters in this shallow estuary does not appear to be in the best interest of conserving marine biological resources."

Game and Fresh Water Fish Commission - Objects to the project.

Department of Pollution Control - Has issued Construction Permit No. IC 1234. This permit was issued to the Construction of Unit 2 at the Big Bend plant and does not imply the approval of any future units at this site.

OTHERS: Tampa Port Authority has issued Permit TPA 71-24.

Staff recommends issuance of Construction and dredge permit 253.123-1144 as the proposed thermal dilution system will mitigate further damage to the marine resources. And, provided, that Tampa Electric Company agrees that it will not request permits for additional generating capacity, beyond the addition of Unit No. 2, which may have adverse effects on marine resources in the Big Bend area of Tampa Bay.

ACTION OF THE TRUSTEES:

The Director informed the Board that for this Unit 2 of the Big Bend system of Tampa Electric Company, there was a request to install a sheet steel piling baffle to prevent the recirculation of the cooling water. He said the plant was constructed and ready to operate save for this one last construction request. Because there was concern among the environmental agencies, the staff asked for and obtained from Tampa Electric the agreement cited in the staff recommendation.

August 29, 1972

Motion was made by Mr. Christian, seconded by Mr. Conner and passed unanimously, authorizing issuance of the construction and dredge permit subject to the provision that the applicant will not request permits for additional generating capacity, beyond the addition of Unit No. 2, which may have adverse effects on marine resources in the Big Bend area of Tampa Bay.

-16-

MANATEE COUNTY - Revocation of Dredge Permit No. 253.123-809
(July 27, 1972)

APPLICANT: Florida Power and Light Company
Post Office Box 3100, Miami, Florida 33101

PROJECT: To excavate an inlet channel 223 feet wide by 500 feet long across sovereignty land and 5,500 feet long across applicant's upland, and to install an outfall 8,000 feet long into Tampa Bay.

LOCATION: Section 12, Township 33 South, Range 17 East, Manatee County.

MATERIAL: 50,500 cubic yards of material to be removed from sovereignty land.

PAYMENT: \$50,500

STAFF
REMARKS: The Board of Trustees on August 31, 1971, approved issuance of this permit. The Department of Pollution Control on September 7, 1971, denied certification. Florida Power and Light Company has requested that the permit approval be revoked and that the money paid for the material be refunded.

Staff recommends Dredge Permit No. 253.123-809 be revoked and authority be given to refund \$50,500 paid for the material to be removed from sovereignty land.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Christian and passed unanimously, to revoke the permit and refund \$50,500 to Florida Power and Light Company.

-17-

VOLUSIA COUNTY - Revocation of Dredge Permit No. 253.123-826
(July 24, 1972)

APPLICANT: Florida Power and Light Company
Post Office Box 3100, Miami, Florida 33101

PROJECT: To improve navigation by dredging a basin 200 feet long by 150 feet wide by 14.5 feet deep offshore from applicant's upland.

LOCATION: St. Johns River, Section 16, Township 19 South, Range 30 East, Volusia County.

MATERIAL: 3,500 cubic yards of material was to be dredged.

PAYMENT: \$3,500 paid at the standard yardage rate of \$1 per cubic yard.

STAFF
REMARKS: The Board of Trustees in meeting on August 3, 1971, authorized issuance of this permit. Applicant decided not to dredge since an alternate site was more advantageous.

August 29, 1972

Staff recommends Dredge Permit 253.123-826 be revoked and authority be given to refund \$3,500 paid for the material to be removed from sovereignty land.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Christian and passed unanimously, to revoke the permit and refund \$3,500 to Florida Power and Light Company.

-18-

VOLUSIA COUNTY - Marina License No. ML-40
(July 24, 1972)

APPLICANT: Florida Power and Light Company
Post Office Box 3100, Miami, Florida 33101

PROJECT: To install mooring piling in a basin to be constructed adjacent to applicant's upland. The piling will cover 14,428 square feet.

LOCATION: St. Johns River, Section 16, Township 19 South, Range 30 East, Volusia County.

MATERIAL: None.

PAYMENT: \$288.56.

STAFF
REMARKS: The Board of Trustees on August 3, 1971, authorized issuance of this marina license. Applicant has abandoned the project and requests rescinding of the marina license and refund of the annual fee.

Staff recommends that the Board rescind approval of Marina License ML-40 and refund annual license fee of \$288.56.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Christian and passed unanimously, to rescind approval of the marina license and refund the annual license fee of \$288.56 to Florida Power and Light Company.

-19A-

GLADES COUNTY - Bulkhead Line
(July 14, 1972)

APPLICANT: Glades County Board of County Commissioners
Moore Haven, Florida

PROJECT: Bulkhead line 3498.74 feet long in three sections abutting State Road Right of Way at Fisheating Creek in Glades County. The County Commissioners approved the line by resolution at its regularly scheduled meeting on January 10, 1971.

LOCATION: Section 3, Township 41 South, Range 30 East, Glades County.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Deferred to Game and Fresh Water Fish Commission comments.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends approval of bulkhead line as established by Board of County Commissioners of Glades County.

August 29, 1972

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed unanimously, Board of Trustees approved the bulkhead line as established by Glades County.

-19B-

GLADES COUNTY - Right of Way Easement - File No. 2408-22-253.03
(July 14, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Highway and bridge construction for State Road 25

LOCATION: Two parcels of submerged land totaling 4.50 acres
in Fisheating Creek, Section 3, Township 41 South,
Range 30 East, Glades County.

PAYMENT: None.

ECOLOGICAL

RESPONSES: Not applicable.

Staff requests authority to issue the easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed unanimously, the right of way easement was approved.

-19C-

GLADES COUNTY - Construction Permit No. 22-31-0107
(July 14, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To dredge 1,750 cubic yards of muck from construction
site and fill 3,776 cubic yards in approximately 4.5
acres of sovereignty land in Fisheating Creek.

LOCATION: Section 3 and 10, Township 41 South, Range 30 East
in Glades County.

MATERIAL: 1,750 cubic yards

PAYMENT: None, as the project is in the public interest.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Deferred to Game
and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - It has been
discussed in previous conversations that the expense
of bridging this entire area would increase the
project cost by \$1.5 million. Obviously, even the
long range benefits derived from the 5.6 acres of
marsh would not approach that figure. Turbidities
should be controlled during construction.

Department of Pollution Control - It is recommended
that filling for roadway purposes be limited to the
areas above the 34.5-foot elevation and as economic
conditions dictate some filling would be possible
below the 33.1-foot elevation.

Staff recommends issuance of dredge and fill permit 22-31-0170 with
the provision that adequate steps will be taken to control turbidity
during and after construction.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed unanimously, the construction permit was approved.

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the rules were waived for consideration of the following applications that were added to the agenda after printing of the original agenda.

-20-

EROSION CONTROL LINE - Delray Beach

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Board of Trustees appointed Mr. Barry Lessinger of the Department of Natural Resources as designee of the Board to hold the public hearing for the Erosion Control Line proposed for the City of Delray Beach, Florida.

-21-

PALM BEACH COUNTY - Utility Permit No. 253.123(2)(b)-1136
(May 10, 1972)

This application is placed on the agenda at the request of the Treasurer's office.

APPLICANT: City of Lake Worth
414 Lake Avenue, Lake Worth, Florida 33460

PROJECT: To dredge approximately 129 cubic yards of material for installation of a storm sewer outfall into Lake Worth.

LOCATION: Section 34, Township 44 South, Range 43 East, City of Lake Worth, Palm Beach County, at 12th Avenue South.

MATERIAL: All material will be removed from project site and deposited on public property.

PAYMENT: Request waiver of fee, as the project is in the public interest.

STAFF REMARKS: Field Operations Division has no objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control recommends that pipe be extended so that the top of pipe is at -1.0 feet mean low water and that dredging be restricted to approximately 25 feet from the end of the pipe.

OTHERS: 1. Area Planning Board - No objection.

2. Board of County Commissioners - No objection.

STAFF RECOMMENDS issuance of utility permit 253.123(2)(b)-1136, provided the stipulations of the Department of Pollution Control are incorporated into the permit, and recommends waiver of fee as this project is in the public interest.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the utility permit was approved subject to the stipulations of the Department of Pollution Control and without fee for this public interest project.

August 29, 1972

-22-

PALM BEACH COUNTY - Utility Permit No. 50-22-0007
(June 26, 1972)

This item is placed on the agenda at the request of the Treasurer's office.

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To construct 5 new sewer outfall lines and upgrade 4 existing lines into Lake Worth and the West Palm Beach Canal.

LOCATION: Section 34, Township 44 South, Range 43 East, Palm Beach County.

MATERIAL: 274 cubic yards to be deposited on D. O. T. upland right of way.

PAYMENT: Request waiver of fee as the project is in the public interest.

STAFF

REMARKS: Field Operations Division has no objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commisision - No objection.

Department of Pollution Control - No objection.

OTHERS: 1. City of Lake Worth - Letter of ermission June 9, 1972

2. Palm Beach County - Not applicable.

3. Area Planning Board of Palm Beach County - Not applicable.

STAFF RECOMMENDS issuance of dredge permit No. 50-22-0007 and waiver of fee as the project is in the public interest.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Board approved issuance of the dredge permit and waiver of the fee for a project in the public interest.

-23-

DADE COUNTY - Marina License ML-145 and Construction Permit
(July 25, 1972)

This application is placed on the agenda at the request of the Commissioner of Education.

APPLICANT: Costa Brava Condominium
c/o Bliss and Nyitray, Inc.
4014 Chase Avenue, Miami Beach, Florida 33140

PROJECT: To remove and replace an existing seawall and to construct a marina at Belle Isle on the Venetian Causeway in Biscayne Bay. The marina area is 43,560 sq. ft., more or less, on sovereignty land.

LOCATION: Section 33, Township 53 South, Range 42 East, Dade County.

MATERIAL: None. No dredging involved.

PAYMENT: Has not been received. Bond has been received.

August 29, 1972

STAFF

REMARKS: Field Operations Division has no objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: City of Miami Beach Building Permit No. 88090-7-24-72.

STAFF RECOMMENDS issuance of marina license ML-145 and construction permit to remove and replace an old existing seawall.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Board approved issuance of the marina license and construction permit as recommended by the staff.

-24-

JACKSON COUNTY - Dredge and Construction Permit No. 253.123-650.
(May 22, 1972)

This application is placed on the agenda at the request of the Governor.

APPLICANT: Jackson County Port Authority
W. J. Avery, Secretary
P. O. Box 759, Marianna, Florida 32446

PROJECT: To construct a barge port by dredging a basin 1,650 ft. long, 270 ft. wide, 11 ft. deep, and an upland barge slip 150 ft. wide, 170 ft. long by 200 ft. wide at the western end of the basin.

LOCATION: Apalachicola River, Section 12, Township 3 North, Range 7 West, Jackson County.

MATERIAL: 59,700 cu. yds. of material to be removed and placed on the applicant's upland.

STAFF

REMARKS: Field Operations Division objects. See staff recommendations.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Requests denial.
Game and Fresh Water Fish Commission - Requests denial.

OTHERS: Department of Health - Requests denial.

Staff recommends disapproval of this request for issuance of a dredge permit pending favorable review by the state of an environmental impact statement as contemplated in the National Environmental Policy Act of 1969 (PL 91-190) addressing itself to the short and long term environmental impact of this project, particularly in matters of concern to state agencies, the economic impact of the project on the entire area and the effects of the project on community development not only in the project area but also through the Apalachicola System.

Staff requests authority for the Executive Director to communicate the foregoing to the U. S. Department of Commerce, Economic Development Administration, the federal agency financially assisting this project, as a part of a request for preparation of an environmental impact statement and offer of assistance to the federal agency as to the scope and content of the environmental impact statement.

August 29, 1972

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the staff was concerned about long-range effects, impact on the Apalachicola Bay ecosystem, the industrial and commercial development potential of a port with damaging cumulative results to river and bay system in like manner as other rivers had been industrialized and destroyed.

Governor Askew noted that the Pollution Control Department approved the application on December 30, 1970, but now recommended an environmental impact study, that the Environmental Protection Agency indicated no problem. He said there was no assurance that there would not be greater river traffic coming from the north. There was some misunderstanding of possible utilization of the port based on a planner's 1969 prospectus listing typical industries that might locate at the proposed port, which caused justifiable concern by Franklin County oyster interests. The Governor said the Department of Commerce had participated in obtaining Economic Development Authority financing for this project.

Comptroller Dickinson, speaking of the growth rate, the increasing river traffic and creation of Jackson County Port Authority by the Legislature, suggested a balancing of interests and assistance of the Board to avoid pollution by inaugurating safeguards at this time.

Attorney General Shevin agreed, and wanted to know what difficulties would be caused by a delay and what damages might be contemplated. He noted that this was another case of considering ecological damage against economic gain - but here the ecosystem of the Apalachicola River was involved.

Senator Mallory E. Horne, for himself and Senator Dempsey Barron, spoke strongly in favor of the application and the effort and eight years' planning by the local group to improve their economic condition. His investigation had revealed no realism or fact in the fears of damage to the river and bay, and the applicants had authorized him to state that the Board of Trustees would have the final decision over any contemplated industrialization. He said the dock and 57-acre area would be self-sufficient, serving this agricultural area, and should not be rejected on the prospect of unreal fears. He pointed out that the Air and Water Pollution Control Board in 1970 requested the Trustees to proceed with issuance of the permit.

Representatives William J. Rish and Wayne Mixson also endorsed the project, offering to work with the cabinet on future decisions as to any industry that might consider locating at the port area.

Other proponents heard by the Board were Mr. W. J. Avery, Secretary of Jackson County Port Authority, Mr. Barry Boswell, representative of the Economic Development Authority, and Mr. Jordan Brooks of First Alabama Securities that arranged the financing.

Mr. Lance W. Anderson, City Manager of Apalachicola, favored the port facility but was concerned at possible cumulative effects damaging to the environment.

Mr. Jimmy J. Nichols, Mayor of Apalachicola, speaking also on behalf of Mr. Bob Jones of Southeastern Fisheries, requested delay for an environmental assessment to determine potential effects down the river to the bay.

Mr. Corey Henriksen and Mr. Gene Huckeba expressed the great concern of the oyster industry, while not opposing river traffic.

Dr. Robert J. Livingston, marine biologist of Florida State University, asked the Board to take into consideration the scientific evidence his group was trying to amass to try to protect Apalachicola Bay. He mentioned rumors of industrialization and operations that could cause pollution problems.

After discussion of restrictions in the permit, the Governor said the Board of Trustees could go on record to the Jackson County Port Authority here today that on any matters coming before the Trustees as to expansion, the impact on the river would have to be shown beyond any question.

Mr. Dickinson made a motion, seconded by Mr. Conner, to approve the application with the provision that the Trustees would scrutinize carefully any future plans for the port area in order that the proper studies might be made relating to the environmental condition of the Apalachicola River.

Attorney General said that since the Port Authority was applying for the dredge and construction permit it would be a proper amendment to the motion to condition the permit on approval by the Trustees of any future industrial development by the Jackson County Port Authority. He thought there would be no enforcement problem because the Board could depend on the good faith of the people to honor the commitment if that was the condition upon which the Board granted the permit.

Mr. Dickinson accepted the amendment, and Mr. Christian seconded it. Upon vote, the amendment passed without objection.

The motion to approve the permit, subject to and conditioned upon the proviso that any future industrial development of the area by the Jackson County Port Authority be subject to the approval of the Trustees, passed unanimously.

Governor Askew said, in fairness to the Director's recommendation, that the Board had not by its action indicated any lack of concern for protection of the river, that they appreciated the Director's competence and integrity and were alerted to the need for caution in the matter of the possibility of a cattle ranch and the approaching development of St. George Island that also might adversely affect Apalachicola River and Bay.

-25-

LEE COUNTY - Dredge Permit No. 253.123-640

This item is placed on the agenda at the request of the Superintendent of Education.

APPLICANT: Old Bridge Park Corporation
c/o H. L. Stamm
Box 6790, Ft. Myers, Florida 33901

PROJECT: To modify permit 253.123-640 issued by the Board of Trustees on April 12, 1971, to conform with the U. S. Army Corps of Engineers permit issued on April 22, 1972. The Corps permit moved the along-shore channel 500 feet offshore in accordance with the recommendations of the U. S. Fish and Wildlife biological report.

STAFF

REMARKS: Conversation with U. S. Army Corps of Engineers' personnel indicates that the Corps permit was issued as the offshore location would do less damage to the environment.

Staff recommends modification of Permit 253.123-640 to conform with permit issued by the U. S. Army Corps of Engineers.

August 29, 1972

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed unanimously, the staff recommendation was accepted as the action of the Board.

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VOLUSIA COUNTY - Settlement, Seawall

Ponce Inlet Club South
Volusia County - PIA, Inc.
Robert E. Langford

A seawall was constructed some 60-70 feet landward of the mean high water line elevation on the Atlantic Ocean in Volusia County. It was believed that the seawall as built constituted an encroachment on public lands. Court proceedings were instituted.

The developer and his representatives met with staff members of the Board of Trustees and Department of Natural Resources, and with the State Attorney, in an effort to resolve the problem created by the seawall.

The developer offered to settle the matter by:

1. Removing 700 feet of the existing 1,000 feet long seawall, including all anchors, tie-backs and cap. The remaining 300 feet in front of the present building would be sawed off 14-2 feet below present ground level. This remaining segment would be used to help stabilize the building and would be the toe of a revetment to be constructed. The revetment would emerge from the beach 10 feet west of the present wall and would provide 70-80 feet of beach landward of the mean high water line elevation, or by
2. Completely removing the existing 1,000 feet seawall, anchors, tie-backs and cap and constructing a 300 foot long seawall parallel to and 25 feet in front of the existing building. Buttresses and stairs to the beach would be constructed on the seaward side of the wall as support and access to the beach. This would clear more beach for use by the public and at the same time offer reasonable protection to the existing building.

STAFF REMARKS: The consensus of opinion is that the seawall should be constructed no farther than 10 feet seaward of the existing building.

ACTION OF THE TRUSTEES:

On May 2, 1972, Mr. Stephen L. Boyles, State Attorney in the Seventh Judicial Circuit, appeared before the Board with the request that the Trustees authorize litigation to remove from the beach a seawall built on land over which there was a public easement. Following studies and discussions between Mr. Boyles, PIA, Inc., the Bureau of Beaches and Shores of the Department of Natural Resources, and the Trustees' staff, a settlement was proposed.

Mr. Boyles explained another oral offer which amends a portion of the settlement offer. In the agenda item under "2", instead of 25 feet the offer was made of "...20 feet in front of the existing building." Mr. Boyles said it was a good offer.

The Governor noted that it would be the absolute minimum that they really can go back at this time and represented a substantial reduction.

Representing PIA, Inc., Mr. Fletcher Rush said it was agreeable with the understanding that it completely settles and disposes of litigation.

Attorney General Shevin was in agreement, and also the staff.

August 29, 1972

On motion by Mr. Dickinson, seconded by Mr. Christian and passed unanimously, the Trustees agreed to effect the compromise and terminate the litigation.

-27-

PINELLAS COUNTY - Sand Key, U. S. Steel

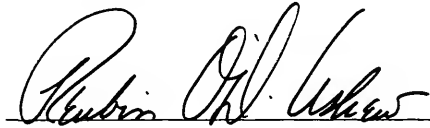
At the request of Secretary of State Stone, the Trustees deferred for two weeks the consideration of a matter placed on the agenda at the request of Attorney General Shevin with reference to institution of appropriate legal proceedings to declare and protect the public's rights to use Sand Key for recreational purposes.

-28-

PALM BEACH COUNTY - Dredge and Fill Permit No. 253.123-875 and 253.124.

Consideration of an application from J. Stockton Bryan, Sr., was deferred on the request of the Director. On this date in a meeting with the applicant's attorney, Mr. Ted Prior, it was agreed that the attorneys for the Bureau of Beaches and Shores and the applicant would meet and try to work out some satisfactory arrangement.

Upon motion duly adopted, the meeting was adjourned.



GOVERNOR

-

CHAIRMAN

ATTEST:



EXECUTIVE DIRECTOR

* * * *

August 29, 1972

Tallahassee, Florida
September 6, 1972

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

-11-

Item 11 was taken out of order and on motion by Mr. Stone, passed without objection, the minutes of the meeting held on August 15, 1972, were approved.

-1-

ALACHUA COUNTY - Lease State Land
(May 10, 1972)

APPLICANT: Department of Transportation

REQUEST: Lease 11 acres of state land for a central warehouse facility.

LOCATION: 11-acre parcel 800' x 600' on the southeast corner of Waldo Road (State Road 24) and NE 39 Avenue in NE 1/4 of Section 27 and NW 1/4 of Section 26, Township 9 South, Range 20 East, Alachua County.

The Department of Transportation advised that the Legislature appropriated funds for construction of a central warehouse facility to replace the existing one on Waldo Road. The requested location has an entrance on 39th Avenue and also a railroad siding, two important features which make the site ideal for the proposed central warehouse.

The requested site is part of Santa Fe Correctional Institution and Gainesville Sunland Training Center property northeast of Gainesville. The Department of Health and Rehabilitative Services has reviewed and approved transfer of the land, advising that none of the divisions of the department have any present or future contemplated need for this 11-acre site.

Recommend leasing the eleven acres to the Department of Transportation for warehouse and related purposes for a period of fifty years.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Dickinson and passed without objection, authorizing 50-year lease of the 11 acres to the Department of Transportation as requested.

September 6, 1972

-2-

LEON COUNTY - Easement for Electric Transmission Line
(July 6, 1972)

APPLICANT: City of Tallahassee

REQUEST: Additional transmission line right of way for
widening existing transmission line easement
No. 24878 to accommodate increased line requirements
resulting from a change in the tie with Florida
Power Corporation.

LOCATION: Sunland Hospital at Tallahassee
Two parcels containing 0.7 acre in NW 1/4 of Section
28, Township 1 South, Range 1 East, Leon County.

The Department of Health and Rehabilitative Services has reviewed
and approved the additional easement.

Recommend issuance of the easement for electric transmission
line purposes only.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Conner, seconded by Mr. Dickinson and
passed without objection, authorizing the easement as
recommended.

-3-

DESOTO COUNTY - Advertise for Oil and Gas Lease
(July 25, 1972)

APPLICANT: Shell Oil Company
New Orleans, Louisiana 70160

REQUEST: Advertise for bids for an oil and gas drilling lease.

LOCATION: All of Section 16, Township 39 South, Range 27 East,
less SW 1/4 of NW 1/4, containing 600 surface acres
(300 net mineral acres) in DeSoto County.

INTEREST OF
STATE: Board of Education holds an undivided one-half
interest in the petroleum and petroleum products.
Proceeds from this lease will go to the School Fund.

These privately-owned lands lie approximately 17 miles southeast
of Arcadia. The request has been reviewed by the Director of
Interior Resources, Department of Natural Resources, who concurs
in the following recommendation.

Recommend advertising for sealed bids for a five-year primary
term lease with annual rental of \$1 per net mineral acre, 1/8
royalty, \$50,000 surety bond and at least one test well drilled
every 2 1/2 years to a depth of 6,000 feet or to the Sunniland
Formation or other anticipated horizons, whichever is deeper.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Christian
and passed without objection, authorizing the advertisement
as recommended.

September 6, 1972

-4-

HIGHLANDS COUNTY - Advertise for Grazing Lease

The Trustees own a 1,415.08-acre tract of land located 14 miles southeast of Sebring and one mile east of Lake Istokpoga, in Highlands County. The land is basically classified as native pasture with no improvements. At least one-half appears to be muck-based soil subject to seasonal flooding, with the remainder sandy soil in native grass and palmetto.

The tract has been under a grazing lease to an adjoining owner, Mrs. Katherin Waggaman, for many years. At termination of Mrs. Waggaman's lease, the land was reappraised by staff appraiser who recommended annual rental be increased from \$1.75 per acre to \$2.85 per acre. Mrs. Waggaman declined to renew the lease at the increased rental.

The Game and Fresh Water Fish Commission and Central and Southern Florida Flood Control District have no objections to the Trustees continuing to lease this property for grazing purposes provided that the lease is subject to cancellation by the Trustees following written notice.

Recommend advertising for sealed bids a three-year grazing lease with option to renew for an additional three years. The base or starting bid will be the annual rental of \$2.85 per acre for the first three years with rental during the three-year option to be determined by appraisal at the end of the first three-year period. Lease will be subject to cancellation by the Trustees following 120-day written notice.

ACTION OF THE TRUSTEES:

Mr. Christian questioned whether that increased rental would be offered, not wanting the land to stand idle. The Director said the appraisal was the going rate for land in that area, and if no bids were received a determination would have to be made.

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, advertisement was approved as recommended by the staff.

-5-

PALM BEACH COUNTY - Seismic Survey
(July 21, 1972)

APPLICANT: Shell Oil Company
Post Office Box 174, Winter Haven, Florida

REQUEST: Permission to conduct a seismic survey across state-owned land.

LOCATION: Across the south line of Section 1, Township 45 South, Range 37 East, and Section 6, Township 45 South, Range 38 East, Palm Beach County. The survey will consist of shot holes fifty feet in depth spaced at intervals of 75 feet along a line using a five pound charge. All holes will be properly plugged and covered.

These sections are under Agriculture Lease No. 1935-1935-S held by A. Duda and Sons, Inc., which has no objection to the survey.

The Central and Southern Florida Flood Control District has reviewed this request and since no project works are involved, offers no objection.

Dr. Robert O. Vernon, Director of Division of Interior Resources, Department of Natural Resources, approved the survey request subject to all shot holes being plugged with neat cement and existing roads being utilized for access.

September 6, 1972

Recommend granting Shell Oil Company permission to conduct its seismic survey subject to the conditions set forth above.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees granted permission for the seismic survey subject to the conditions recommended by the Department of Natural Resources.

-6-

BAKER COUNTY - Dredge Permit No. 253.123-865
(May 27, 1971)

APPLICANT: United States Forest Service
214 South Bronough
Tallahassee, Florida

PROJECT: To construct a public recreation area at Olustee Beach on Ocean Pond, a 1,700 acres state-owned lake, and dredge a boat channel 300' long x 30' wide x 4' deep. All material will be deposited on upland recreation site except that which is suitable for beach area.

LOCATION: Section 21, Township 3 South, Range 19 East, Baker County.

MATERIAL: 3,300 cubic yards.

PAYMENT: Request waiver as project is a public recreation area.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners of Baker County endorsed the plan on April 5, 1971.

Staff recommends issuance of Dredge Permit 253.123-865 and waiver of fee since the project is for public recreation.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian, and passed without objection, the dredge permit was approved without the fee requirement.

-7-

ST. LUCIE COUNTY - Dredge Permit No. 253.123-1008
November 23, 1971)

APPLICANT: Beach Club Colony of Stuart, Inc.
c/o William J. Roberts, P.A.
217 South Adams Street
Tallahassee, Florida 32302

PROJECT: To dredge a navigation channel 50' wide x 320' long through the applicant's land from the east shore of the Indian River to an upland boat basin.

LOCATION: Section 11, Township 37 South, Range 41 East,
St. Lucie County.

September 6, 1972

MATERIAL: None. No dredging of sovereignty land involved.

STAFF

REMARKS: Field Operations Division has no objection. The applicant has agreed to deed 7.5 acres to Trustees.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection subject to stipulations that the building proposed to be constructed on pilings and parking lot proposed to be filled south of channel should be deleted; street, lawn and roof runoff should be treated in sewage treatment plant or allowed to sheet flow through adequate greenways containing natural vegetation; 7.5 acres proposed to be preserved should be deeded to the state concurrently with the issuance of the permit.

Department of Pollution Control - No objection.

Staff recommends issuance of Permit 253.123-1008 upon placement of deed to the 7.5 acre parcel of land in escrow to be delivered to the Board of Trustees upon issuance of all required permits.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Conner, and passed without objection, the staff recommendation was approved as the action of the Board.

On motion by Mr. Christian, seconded by Mr. Conner, and passed without objection, the rules were waived for consideration of the remainder of the applications that were added after printing of the original agenda for this date.

-8-

DADE COUNTY - Erosion Control Line
(July 31, 1972)

APPLICANT: Fred W. Maley, Village Manager
Bal Harbour Village
655 Ninety-sixth Street
Bal Harbour, Florida 33154

PROJECT: Requests the Board of Trustees to establish an erosion control line in accordance with the provisions of Chapter 161, F.S., for the purpose of nourishing 4,481.5 lineal feet of eroded beach.

LOCATION: Atlantic Ocean, South of Bakers Haulover and adjacent to Section 26, Township 52 South, Range 42 East, Dade County.

MATERIAL: 1,600,000 cubic yards of material for beach nourishment will be obtained from an offshore borrow area.

PAYMENT: None. Material will be placed on sovereignty land.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Certifies that severe beach erosion has occurred in the area encompassed by the survey and that this beach has been substantially destroyed and may be completely destroyed in the immediate future unless a publicly financed program is undertaken.

Staff requests authority to advertise that the Board of Trustees' designee, Mr. Sherman Weiss, Staff Attorney, will hold a public hearing in Bal Harbour Village Hall at 2:00 P.M. on October 9,

September 6, 1972

1972, for the purpose of considering evidence bearing on the necessity or propriety of the beach nourishment or restoration program and/or on the proposed location of the Erosion Control Line.

ACTION OF THE TRUSTEES:

On motion made by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees authorized the public hearing as requested by the staff.

-9-

PALM BEACH COUNTY - Dredge and Fill Permit No. 253.124-233
253.123-1206
(May 2, 1972)

APPLICANT: M. J. Carbone
c/o Davis and Craven, Inc.
1699 East Oakland Park Boulevard
Ft. Lauderdale, Florida 33308

PROJECT: To dredge a 30' x 325' x 5' perimeter channel and a 30' x 50' x 5' access channel.

LOCATION: Intracoastal waterway at Boynton Beach in Section 27, Township 45 South, Range 43 East.

MATERIAL: 1,400 cubic yards of sovereignty material to be removed and placed on privately-owned upland.

PAYMENT: Check for \$1,400 has been tendered for payment.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - Recommend the proposed shoreline fill be deleted and construction of T-shape dock paralleling the shoreline for dockage and navigation access.

Department of Pollution Control - No objection.

- OTHERS:
1. City of Boynton Beach - No objection.
 2. Area Planning Board - No objection.
 3. Board of County Commissioners - No objection, in public interest.

Staff recommends issuance of dredge and fill permits 253.123-1206 and 253.124-233.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said he learned this morning that the applicant apparently was not the owner. Under the Trustees' rules a permit may not be issued to other than the owner of the land.

Mr. Alvin Silverman, the developer of Snug Harbor Gardens in Boynton Beach, explained that under the condition of the purchase of this property and the filing of the permit application last October, it was assumed that Mr. Carbone would still be in possession at the time of issuance of the permit. However, the purchase had now been completed and Mr. Silverman's group is the owner.

The Attorney General said he would review the matter. The Director suggested approval subject to that review, if the permit can be issued in accordance with the rules.

September 6, 1972

Governor Askew recommended that the permit be approved, with the Attorney General to review the request and in the event there is no problem, that the staff be authorized to go ahead and issue the permit to Mr. Silverman's group as successors in title to Mr. Carbone. If there appears to be a problem, it would be brought back to the Trustees.

On motion by Mr. Christian, seconded by Mr. Stone, and passed without objection, the recommendation of the Governor was approved as the action of the Board.

-10A-

DUVAL COUNTY - Relocation of Bulkhead Line
(August 16, 1972)

APPLICANT: City of Jacksonville
City Hall
Jacksonville, Florida

PROJECT: The City of Jacksonville, by Ordinance No. 72-499-319 dated August 8, 1972, relocated the existing bulkhead line in the vicinity of the Mathews Bridge to the mean high water line in accordance with the Interagency Advisory Committee on submerged land management.

LOCATION: Easterly side of the Mathews Bridge in the St. Johns River, Township 1 South, Range 27 East, Duval County.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

STAFF RECOMMENDS approval of the bulkhead line as relocated at the mean high water line.

ACTION OF THE TRUSTEES:

On motion made by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the bulkhead line as relocated at the mean high water line.

-10B-

DUVAL COUNTY - Relocation of Bulkhead Line
(August 16, 1972)

APPLICANT: City of Jacksonville
City Hall
Jacksonville, Florida

PROJECT: By Ordinance No. 72-499 dated August 8, 1972, the City of Jacksonville relocated the existing bulkhead line easterly of the submerged lands conveyed by Trustees' Deed No. 24640 and westerly of the submerged lands conveyed by Trustees' Deed Nos. 22784 and 23731, to the mean high water line.

LOCATION: South side of St. Johns River in Township 1 South, Range 27 East, Duval County.

STAFF RECOMMENDS approval of the bulkhead line as relocated at the mean high water line.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the bulkhead line as relocated at the mean high water line.

September 6, 1972

-10C-

DUVAL COUNTY - Moratorium

On February 28, 1972, the Board of Trustees postponed taking action on the following item for a 90-day period:

At the request of the Attorney General, there is submitted for the Trustees' consideration a resolution

That the Trustees of the Internal Improvement Trust Fund will not consider any applications relating to dredging or filling within the Consolidated City of Jacksonville and Duval County, except those involving emergency maintenance, until such time as the City of Jacksonville and Duval County has reviewed all bulkhead lines and established them at the mean high water line except where the locations of lines farther offshore can be fully justified as being in the public interest, in accordance with recommendations of the Interagency Committee on Submerged Land Management which recommendations and request were transmitted to all counties and municipalities in 1968.

In meeting on May 23, 1972, the City of Jacksonville advised the Board of Trustees that the city intended to relocate the bulkhead lines as recommended by the Interagency Advisory Committee on Submerged Land Management with two exceptions in the bulkhead line at Reddi Point eastward and asked for the Trustees' reaction to such a proposal. The Board of Trustees unanimously reiterated its position that all of the bulkhead line from Reddi Point eastward be relocated to the mean high water line.

The Jacksonville City Council by Resolution 72-832-216 adopted on August 8, 1972, expresses intent of rolling back the two bulkhead line segments in this area at such time as the State of Florida agrees and commits itself to pay the property owners affected, compensation for any loss suffered by them as a result of such bulkhead line alteration.

Staff resubmits the previous resolution and suggests its adoption, as the City of Jacksonville has not fully met the Board's request to relocate bulkhead lines to the mean high water line.

ACTION OF THE TRUSTEES:

In review of the staff position Mr. Kuperberg said this matter was first considered in February at which time a 90-day extension was granted before imposing a moratorium proposed by the Attorney General, that under a new portion of the statute any application to acquire land from the Trustees must be submitted with a development plan so that the Trustees can make a decision upon the merits and the public interest aspects of the project, that any request to do work should be considered on today's merits, that purchase of submerged land does not guarantee the right to dredge and fill. The staff suggested that all applicants be considered on an equal basis, that the bulkhead line should be placed at the mean high water line and an application should be filed with a development plan and with the request to relocate the bulkhead line in order to accommodate that plan.

Mr. Kuperberg said that in today's climate and environmental considerations, the existence of offshore bulkhead lines is outdated and in all counties such offshore lines should be moved to the mean high water line, that the work started in 1968 when a former Board of Trustees appointed the Interagency Advisory Committee should be completed.

Attorney General Shevin pointed out that the original policy was established by a prior cabinet when the then Secretary of State, Tom Adams, proposed that the Trustees try to get the cities and counties to pull back bulkhead lines, that in Hillsborough County the same type of leverage had been used

September 6, 1972

to have the bulkhead lines pulled back to the mean high water and this should be done in all other counties. Mr. Shevin mentioned the several properties, that the sums paid for these submerged lands were not very large but that the Board did not have to return the purchase price as the owners were not deprived of use of their property for a dock, a marina, a fish farming area, a restaurant - only that filling would not be allowed.

Mr. Shevin made a motion to adopt the Trustees' suggestion. For the purpose of discussion, Mr. Christian seconded the motion.

Mr. Jake Godbold, President, Jacksonville City Council, stated that the Council agreed with 99% of Mr. Shevin's statement but there was a difference of philosophy, that they had rolled the bulkhead line back up to a point and even suggested that the Charter property, omitted by the staff, should be rolled back, but there was a moral point in that the state sold the submerged land to people in Duval County, that other small ownerships were involved, also, that the uses mentioned by Mr. Shevin changed the whole purpose, and the question was one of integrity - whether the State of Florida would honor its deeds. He said the City Council had a moral obligation to the taxpayers of Duval County to bargain with the Board to pay back the people that had bought the land, and the first thing that should have been done was to find out how much damage and how much expense to the property owners the rolling back of bulkhead lines would cause. He called the moratorium to deny dredge and fill permits blackmail, pointing out that on August 8 the Council passed a resolution unanimously saying that they intended to roll back the bulkhead line after the Trustees had determined how much money was involved and gave some indication of due compensation to the people involved.

Secretary of State Dick Stone, noting that Mr. Godbold had represented the position of the Council as willing to adopt a resolution rolling back the bulkhead lines subject to a fair compensation to the owners, suggested that the Trustees instruct the staff to determine the amount of damage (not necessarily what the owners might think the property is worth in terms of developing and selling it) and the possible source of reimbursement. He thought it should be no less than the purchase price plus whatever taxes the owners had paid and considered fair, and regardless of whether the owners accept the repurchase offer the Trustees would proceed to ratify the mean high water bulkhead line adopted by the City Council.

Mr. Stone made a motion that the staff of the Trustees and the Attorney General's office, working with Mr. Ireland's staff, find out what possible sources might be utilized to make a fair offer to repurchase the submerged land and that the Trustees indicate that they will follow through on making such an offer forthwith after the Jacksonville City Council adopts the mean high water bulkhead line for the area under consideration.

Governor Askew did not disagree but expressed concern, noting that in the case of the hospital in Dade County other circumstances were involved. He recommended that the Board consider a concept as a general policy, and the fiscal implications to the state. He said the value should be tempered by the fact that the Trustees were just not going to allow any more dredge and fill permits like these purchasers thought they would get at the time the submerged land was sold.

Mr. Shevin pointed out that the Island View Hospital situation was entirely different in that it was understood that the purpose of that purchase was to fill in that portion of the bay for the hospital. He also was concerned that any policy might obligate the Board financially, as the owners were not deprived of use of the land, just filling.

Mr. Stone withdrew his motion and offered as a substitute motion that the staff be directed to investigate the financial facts in this situation, discuss it directly with the owners and the City Council, and submit a recommendation to the Board, hopefully, in a few weeks, for a long range policy for action in cases where bulkhead lines are changed in areas previously deeded by the Trustees. Mr. Stone said the Board should be fair, that the Legislature would assist by funding or allowing use of funds, and that the use of leverage or other remedial action would not be considered until a staff recommendation is submitted.

Governor Askew, speaking for the entire Board of Trustees, expressed appreciation to the Jacksonville City Council for accomplishing substantially what needed to be done. He said the Secretary of State's motion would suspend the effectiveness of a moratorium until the staff recommendation is considered and a policy determined, and that the Duval County situation could serve a good purpose as a catalyst for the Board to develop a general policy.

Mr. Shevin agreed that he did appreciate the substantial compliance of Duval County.

Mr. Lynwood Roberts, past president of the Council, said it was difficult to work under threat of a moratorium but they were going to do their best to fulfill the wishes of the cabinet. Mr. Dickinson assured him that the moratorium was suspended.

Governor Askew said the cabinet had been very concerned that the bulkhead lines be drawn back, and while obviously the moratorium method was open to the cabinet, it was suspended until submission of a policy recommendation that would treat all counties alike.

Mr. Godbold said the second motion was satisfactory.

The substitute motion made by Mr. Stone, seconded by Mr. Dickinson, was adopted without objection.

-12-

PUTNAM COUNTY - Murphy Act Land Sale (Hardship Act)
(August 11, 1972)

APPLICANT: Lorene Investment Company
Palatka, Florida

REPRESENTED

BY: A. W. Nichols, Clerk Circuit Court, Putnam County,
Palatka, Florida

REQUEST: Application under Section 197.355, Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act), to purchase the land described as follows: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the North 16 acres of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 16, Township 9 South, Range 24 East, Putnam County, Florida, embraced in Tax Sale Certificate No. 1591-A of 1933, in the amount of \$21.97.

OFFER: \$560 for this parcel of land which is \$10 per acre for the 56 acres of land. The 1932 assessed value was \$120.

STAFF

COMMENTS: Section 197.355, Florida Statutes, provides that the Board may convey the interest of the State to the owner in 1939, or those claiming by, through or under that owner, for such consideration as the Board shall deem equitable and proper without advertisement and public sale. Ownership of this parcel is vested in Lorene Investment Company, a Florida Corporation, as successor in title to B. J. Alderman, Jr., and Edna W. Alderman, his wife, the owner on June 9, 1939.

September 6, 1972

As this parcel lies within the middle of the land holdings owned by the applicant, sale of the land by competitive open bidding would create a hardship.

There has been deposited with the Clerk of the Circuit Court of Putnam County an amount equal to the sum of all state, county taxes and assessments due to the date of the application.

The applicant qualifies under the so-called "Hardship Act."

Recommend conveying the interest of the State of Florida in this parcel of land to Lorene Investment Company for not less than \$10 per acre or \$560 following established policy.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone and Mr. Dickinson, carried without objection, approving conveyance of the interest of the State of Florida to Lorene Investment Company as recommended.

Mr. Kuperberg brought up one additional item and asked for thirty-day extension of the permit for Block M of Hudson, Florida, in Pasco County, in order to get in all the field reports. He said the purchasers of the defunct subdivision were attempting to complete what was originally granted by extension of their permit for sixty days (File 24663-774-51-253.124, minutes of July 18, 1972).

On motion by Mr. Christian, seconded by Mr. Stone, the 30-day extension was approved.

On motion duly adopted, the meeting was adjourned.

GOVERNOR

CHAIRMAN

ATTEST:

EXECUTIVE

DIRECTOR

* * * *

September 6, 1972

Tallahassee, Florida
September 19, 1972

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg	Executive Director
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As the meeting of September 12 had been cancelled, the Board considered at this time the six matters on a previously circulated agenda of that date.

-1-

The minutes of the meeting on August 29, 1972, were approved as submitted.

-2-

BAY COUNTY - Utility Dredge Permit No. 253.123(2)(b)-1086
(August 7, 1972)

APPLICANT: Bay County Board of County Commissioners
Panama City, Florida

PROJECT: To dredge in St. Andrews Bay and construct 36-inch and 20-inch force main for industrial and municipal waste waters across St. Andrews Bay to aeration lagoon and construct 42-inch outfall into St. Andrews Bay for discharge of treated effluent at Panama City, Bay County. Across bay trench is 3,950 feet x 8 feet x 50 feet; effluent trench is 1,300 feet x 8 feet x 50 feet. Spoil material below elevation -10 will be placed in upland diked area.

LOCATION: Section 14/22, Township 4 South, Range 14 West, Bay County.

MATERIAL: Surplus material, if any, will be deposited on county property.

PAYMENT: Waived. Surplus material will be placed behind dikes on county upland.

STAFF REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Dredge Permit 253.123(2)(b)-1086 and waiver of fees, as any surplus material will be placed behind dikes on county-owned upland.

September 19, 1972

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board authorized issuance of the dredge permit without requiring payment of fees.

-3-

HAMILTON COUNTY - Dredge and Construction Permit No. 24-31-0103
(July 26, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To remove approximately 10 cubic yards of material from sovereignty land and to construct a boat ramp.

LOCATION: Section 8, Township 2 South, Range 16 East, Hamilton County, Suwannee River.

MATERIAL: 10 cubic yards to be placed on Department of Transportation right of way.

PAYMENT: Waived, since material is to be placed on Department of Transportation right of way.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

Staff recommends issuance of Dredge and Construction Permit 24-31-0103 and waiver of fee as material will be placed on Department of Transportation right of way.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board authorized issuance of the dredge and construction permit without requiring payment of fee.

-4-

DUVAL COUNTY - Marina License & Construction Permit No. ML-57
(July 12, 1972)

APPLICANT: Daly's Boatyard, Inc.
c/o Eagle Marina, Inc.
1935 East Beaver Street
Jacksonville, Florida 32202

PROJECT: Construction of pier facility covering 12,577 square feet of submerged land adjacent to an existing commercial facility in the St. Johns River abutting Ft. George Island.

LOCATION: Township 1 South, Range 29 East, Duval County.

MATERIAL: No dredging required.

PAYMENT: \$251.54 check has been tendered for first year's annual fee.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

September 19, 1972

Staff recommends issuance of Marina License and Construction Permit ML-57 for annual fee of \$251.54.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board authorized issuance of marina license and construction permit for annual fee of \$251.54 as recommended.

-5-

MARTIN COUNTY - Marina Permit No. ML-41
(August 3, 1972)

APPLICANT: Angler's Cove Condominium of Martin Co., Inc.
c/o Thurlow & Thurlow
Post Office Box 106, Stuart, Florida 33494

PROJECT: Request that Marina License ML-41 issued in the name of Stuart Land Development, Inc., be assigned to Angler's Cove Condominium of Martin Co., Inc., and extended for one year.

LOCATION: Section 30, Township 37 South, Range 42 East, Martin County.

PAYMENT: \$174 has been tendered for annual renewal fee.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends assignment of ML-41 to Angler's Cove Condominium of Martin County, Inc., and renewal of marina license for one year.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board authorized assignment of ML-41 from Stuart Land Development, Inc., to Angler's Cove Condominium of Martin County, Inc., and renewal of the marina license for one year.

-6-

VOLUSIA COUNTY - Dredge Permit No. 253.123-841
(March 29, 1972)

APPLICANT: Jackson Morgan
131 Sunrise Boulevard
Daytona Beach, Florida 32018

PROJECT: To dredge a navigation channel 1,500 feet x 50 feet x -5 feet.

LOCATION: Halifax River, Section 34, Township 15 South, Range 33 East, Volusia County.

MATERIAL: Approximately 8,000 cubic yards to be removed and placed on owner's upland.

PAYMENT: Check for \$4,000 has been tendered in payment for fill material.

STAFF

REMARKS: Field Operations - No objection.

September 19, 1972

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection to project as revised.

Game and Fresh Water Fish Commission - No objection to project as revised.

Department of Pollution Control - No objection.

Staff recommends issuance of Dredge Permit No. 253.123-841.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board authorized issuance of the dredge permit as recommended.

-1-

Proceeding with the agenda dated September 19, the Board approved the minutes of September 6, 1972.

-2-

ESCAMBIA COUNTY - Advertise for Oil and Gas Lease
(June 29, 1972)

APPLICANT: Humble Oil and Refining Company
by G. Thomas Smith
Post Office Box 12091, Pensacola, Florida

REQUEST: Advertise for bids for an oil and gas drilling lease.

LOCATION: That portion of State Road 4 crossing Sections 1, 2, 7, 8, 9, 10, 11 and 12, Township 5 North, Range 31 West; that portion of State Road 4-A crossing Sections 3 and 10, Township 5 North, Range 31 West; and that portion of State Road 168 crossing Sections 2, 3, 4, 5 and 6, Township 5 North, Range 31 West and Sections 31, 32, 33, 34 and 35, Township 6 North, Range 31 West, containing a total of 84.61 net mineral acres.

INTEREST OF STATE: State of Florida for the use and benefit of the Department of Transportation. Proceeds from this lease will go to the Department of Transportation.

The Department of Transportation has reviewed this request and approves offering its interest in the petroleum for an oil and gas drilling lease.

The request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term lease with annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond, and at least one test well every 2 1/2 years drilled to 6,000 feet or to a depth sufficient to test the Norphlet Sands, whichever is deeper, with drilling operations specifically prohibited on the road right of way.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Board authorized advertisement for sealed bids as recommended by the staff.

September 19, 1972

-3-

PUTNAM AND FLAGLER COUNTIES - Oil Lease Public Hearing

On August 18, 1972, a public hearing was held in the Town of Pomona Park as required by Section 253.52, Florida Statutes, to give all interested persons an opportunity to be heard with respect to issuance of a proposed oil and gas drilling lease.

The proposed lease covers a portion of Lake Crescent and a reserved one-half interest in Lot 1, Section 27, Township 11 South, Range 27 East, containing 2,792.09 net mineral acres, more or less. Gilbert E. Thayer and Sam F. Davis submitted the high bid of \$3,025 for the lease on June 20, 1972. All proceeds from this lease will go to the Internal Improvement Trust Fund.

Notice of the public hearing was published the required one time in the Palatka Daily News. No one appeared at the hearing in opposition to issuance of the lease.

It is recommended that lease be issued to the high bidder.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Board authorized issuance of the lease to the high bidder.

-4-

ORANGE COUNTY - Drainage Easement
(July 6, 1972)

APPLICANT: Board of County Commissioners of Orange County

REQUEST: Drainage easement across a portion of the Sunland Training Hospital in Orlando.

LOCATION: The east 100 feet of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and South 40 feet of West 238.84 feet of East 338.84 feet of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ in Section 14, Township 22 South, Range 28 East, Orange County.

Corrected.
See Minutes
Jan. 3, 1973

STAFF
REMARKS: Field Operations has no objection.

ECOLOGICAL
RESPONSES: Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

On April 8, 1972, the Board of County Commissioners of Orange County approved accepting a drainage easement across the hospital property for the benefit of Laurel Homes, Inc., a developer owning land south of the hospital. The Department of Health and Rehabilitative Services has reviewed and approved issuance of the easement to the county, provided maintenance is assumed by the county.

Recommend granting a non-exclusive drainage easement to Orange County as requested.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Board granted a non-exclusive drainage easement to Orange County as requested.

September 19, 1972

-5-

PUTNAM COUNTY - Murphy Act Land Sale

Item 5 was withdrawn from the agenda for the reason that the Putnam County Murphy Act land sale to Lorene Investment Company had been considered as an addendum on September 6, 1972, and the sale under the Hardship Act was approved on that date.

-6-

CHARLOTTE COUNTY - Marina Permit No. ML-46
(August 8, 1972)

APPLICANT: Mary Lu, Inc.
c/o Tri-County Engineering, Inc.
121 East Charlotte Avenue
Punta Gorda, Florida 33950

PROJECT: To extend for one year Marina License ML-46, which expires August 17, 1972.

LOCATION: Section 30, Township 40 South, Range 23 East, Peace River, Charlotte County.

MATERIAL: None involved.

PAYMENT: Check for \$100 has been tendered.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

Staff recommends extending Marina License ML-46 for one year with annual fee of \$100.

ACTION OF THE TRUSTEES:

Noting that the application was without objections from any environmental agencies, Secretary of State Stone made a motion, seconded by Mr. Christian and passed without objection, approving issuance of the marina license as recommended.

-7-

DADE COUNTY - Marina and Construction Permit No. ML-135
(March 24, 1972)

APPLICANT: Kingsley Arms Apartments
9291 East Bay Harbor Drive
Bay Harbor Islands, Florida

PROJECT: To construct mooring facilities for 4 boats, using 1,250 square feet of area.

LOCATION: Kingsley Arms Apartments, 9291 East Bay Harbor Drive, Section 35, Township 52 South, Range 42 East, Dade County.

MATERIAL: None required.

PAYMENT: \$300 bond posted.

STAFF
REMARKS: Field Operations - No objection.

September 19, 1972

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.
 Game and Fresh Water Fish Commission - No objection.
 Department of Pollution Control - No objection.

Staff recommends issuance of Marina and Construction License
 ML-135 for annual fee of \$100.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and passed without objection, that the marina and construction license be approved as recommended by the staff.

-8-

BROWARD COUNTY - Dredge and Construction Permit No. 253.123-1167
 (July 27, 1972)

APPLICANT: Department of Transportation
 Tallahassee, Florida

PROJECT: To dredge approximately 554 cubic yards from the North Fork Middle River for installation of a 54-inch and 36-inch storm drain.

LOCATION: Northeast 26th Street, Broward County, Section 25, Township 49 South, Range 42 East.

MATERIAL: All material will be placed on Department of Transportation right of way.

PAYMENT: None, as material will be deposited on Department of Transportation right of way.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.
 Game and Fresh Water Fish Commission - No objection.
 Department of Pollution Control - No objection.

OTHERS: Central and Southern Florida Flood Control District-
 No objections.

Staff recommends issuance of dredge and construction permit No.
 253.123-1167.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and Mr. Christian, passed without objection, the Trustees approved the dredge and construction permit as recommended by the staff.

-9-

BROWARD COUNTY - Utility Permit No. 06-23-0032
 (June 27, 1972)

APPLICANT: Department of Transportation
 Tallahassee, Florida

PROJECT: To install and maintain an 84 inch storm drain pipe into North Fork New River. Approximately 84 cubic yards will be dredged.

September 19, 1972

LOCATION: Northwest 22 Avenue extended, Fort Lauderdale, in Section 5, Township 50 South, Range 42 East, Broward County.

MATERIAL: Will be deposited on Department of Transportation right of way.

PAYMENT: None required.

STAFF
REMARKS: No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

Staff recommends issuance of Utility Permit No. 06-23-0032.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved the utility permit to the Department of Transportation.

-10-

BROWARD COUNTY - Utility Permit No. 06-23-0033
(June 27, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To install and maintain two storm drains into the North Fork New River, one 30" and one 36" pipe.

LOCATION: Northwest 27 Avenue, Fort Lauderdale, Section 5, Township 50 South, Range 42 East, Broward County.

MATERIAL: No dredging or filling required.

PAYMENT: None required.

STAFF
REMARKS: No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

Staff recommends issuance of Utility Permit No. 06-23-0033.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that these utility permits for the Department of Transportation were on the agenda because of the size of the drainage lines and the amount of work necessary.

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the utility permit to the Department of Transportation was approved.

Mr. Stone commented that there were no objections from environmental agencies but he questioned whether placement of major storm drainage would degrade the water in the river, and whether there were any alternatives.

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The Director responded that everyone concerned about water quality is opposed to dumping runoff from streets directly into bodies of water; but here, there was no satisfactory alternative. The staff is continuously working with the Department of Transportation to find some new solutions, and requesting that wetlands be left intact because they are effective filters of runoff. In urban areas the staff was doing everything it could to get away from the dumping of storm runoff into open water, and appreciates the support of the Cabinet.

-11-

BROWARD COUNTY - Construction Permit No. 06-12-0031
(June 26, 1972)

APPLICANT: Oceanage Development Corporation
c/o McLaughlin Engineering Co.
400 Northeast Third Avenue, Ft. Lauderdale, Fla.

PROJECT: To construct a seawall 216' long and reclaim lands lost by artificially induced erosion and to construct 3 storm drainage lines waterward of the mean high water mark at Mayan Lake in the former New River Sound.

LOCATION: Part of Government Lots 1 and 6, Section 13, Township 50 South, Range 42 East, in the City of Ft. Lauderdale, Broward County, Florida.

MATERIAL: None - No dredging required.

PAYMENT: None - Submerged lands acquired TIITF Deed No. 18651.

STAFF
REMARKS: Field Operations - No objection.

Section 253.124(8) Florida Statutes permits restoration of lands lost by artificially induced erosion caused by boating and water skiing activities.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Suggest utilization of rip-rap on seaward side of seawall.

Game and Fresh Water Fish Commission - Recommend no filling below mean high water line and utilization of rip-rap in place of vertical seawall.

Department of Pollution Control - No objection.

OTHERS: City of Ft. Lauderdale will issue permits when approval is received from affected government agencies.

Staff recommends issuance of Permit No. 06-12-0031 to Oceanage Development Corporation subject to the placement of rip-rap on the seaward side of the seawall.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that this was an application under the provisions of Section 253.124(8) to reclaim land lost by erosion.

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation was accepted as the action of the Board.

Mr. Christian asked whether the use of riprap would be consistent with what is already in the area, and the Director advised that the applicant had accepted the recommendation for placing riprap on the seaward side of the seawall.

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-12-

LEE COUNTY - Dredge Permit 253.123-874.

The Director informed the Board that the applicant, James D. Newton, had requested deferral for 90 days as the property was being sold and the new purchaser might not wish to do the work, which would resolve the matter.

Without objection, the application was deferred for 90 days.

-13-

MARTIN COUNTY - Dredge Permit No. 253.123-1148
(June 23, 1972)

APPLICANT: St. Lucie - Jupiter Development Corporation
c/o Stafford and Brock
Post Office Drawer 335, Stuart, Florida

PROJECT: To dredge 4 access channels having a minimum width at 50 feet top cut and a depth of 5 feet mean low water extending offshore a maximum distance of 150 feet. These channels will connect with open-end canals constructed across applicant's property in Manatee Pocket. The material removed will be placed on applicant's ownership.

LOCATION: Manatee pocket in the Hanson Grant, Martin County.

MATERIAL: 5,384 cubic yards of material to be removed.

PAYMENT: \$2,692 received at the standard yardage rate for Martin County.

STAFF

REMARKS: No objection.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - Applicant proposes to conserve two significant stands of red mangroves in the area. Submerged bottoms in the creek and offshore from the canal connections are unvegetated. Construction of these proposed canals should not have significant adverse effects on marine biological resources, provided the red mangroves are carefully conserved. A mechanical thruster will be utilized to maintain circulation in the longest canal.

Game and Fresh Water Fish Commission - The applicant has revised the permit application to include preservation of the majority of mangroves existing in the project area and in utilizing a mechanical thruster to maintain water circulation in the proposed canals. If adequate precautions are taken to maintain the mechanical thruster after the project is completed, only minor biological degradation should occur as a result of the proposed project.

Department of Pollution Control - Concurs with Department of Natural Resources' comments. Has no objection to project as proposed.

OTHERS: Martin County - No objection.

Staff recommends issuance of Dredge Permit 253.123-1148.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board approved issuance of the dredge permit subject to the recommendations of the environmental agencies.

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-14-

PALM BEACH COUNTY - Dredge and Fill Permit 253.123-1206,
253.124-233.

The application of M. J. Carbone was withdrawn from the agenda,
as it has been taken up on September 9, 1972, and approved on
that date.

-15-

PINELLAS COUNTY - Purchase, Dredge and Fill
Pinellas County Water and Navigation
Control Authority File No. PD and F-353
(August 9, 1972)

APPLICANT: 144 St. Petersburg Beach Corporation
1716 Niels Esperson Building, Houston, Texas

PROJECT: To dredge, fill and purchase approximately 0.5 acre
in Boca Ciega Bay.

LOCATION: Boca Ciega Bay, St. Petersburg Beach North, Unit #9,
Corner Lot 1, Block 110, Pinellas County.

MATERIAL: 5,000 cubic yards of material to be deposited on upland.

STAFF
REMARKS: Field Operations - Not received.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Objects.
Game and Fresh Water Fish Commission - Not received.
Department of Pollution Control - Not received.

OTHERS: Pinellas County Water and Navigation Control Authority
denied this project.

Staff recommends confirmation of the denial by Pinellas County
Water and Navigation Control Authority of PD and F-353.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed
without objection, the Board concurred in the denial by Pinellas
County Water and Navigation Control Authority.

Attorney General Shevin said in his opinion this application
should not have been on the agenda, that the statute does not
require that the Trustees confirm a denial, and that such
cases should not come to the Trustees in the manner of an appeal.

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SARASOTA COUNTY - Dredge Permit No. 253.123-848
(May 4, 1972)

APPLICANT: City of Sarasota
Post Office Box 1058
Sarasota, Florida 33578

PROJECT: To remove approximately 11,000 cubic yards of
material from Whitaker Bayou to improve navi-
gation.

LOCATION: From 27th Street and Cocoanut Avenue to Sarasota
Bay, in Section 13 and 14, Township 35 South,
Ranges 17 and 18 East, Whitaker Bayou, in Sarasota
County.

September 19, 1972

MATERIAL: 11,000 cubic yards of material to be removed, temporarily deposited on private upland, and then removed to city-owned property.

PAYMENT: Request waiver of the fee for the material.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Sarasota County - No objection.

Staff recommends issuance of Dredge Permit No. 253.123-848 to the City of Sarasota and waiver of the fee for the material as the material will ultimately be deposited on city-owned property.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and Mr. O'Malley, passed without objection, the Trustees approved issuance of the dredge permit to the City of Sarasota and waived the fee, as recommended by the staff.

-17-

DADE COUNTY - Construction and Fill Permit No. 253.124-251
(August 16, 1972)

APPLICANT: George Helker, c/o Wilton R. Miller
Bryant, Dickens, Rumph, Franson & Miller
700 Tallahassee Bank Building
Tallahassee, Florida 32301

PROJECT: To construct a seawall and fill an area 900 feet long by 200 feet wide, approximately 3.6 acres.

LOCATION: West side of Biscayne Bay, south of Broad Causeway in Section 28, Township 52 South, Range 42 East, Dade County.

MATERIAL: Approximately 76,700 cubic yards of material will be used from upland sources.

PAYMENT: None required, since applicant owns bottom land, TIIIF Deed No. 22704-B.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Would have definite adverse effects on fish and wildlife.

Game and Fresh Water Fish Commission - Recommend denial because of the destruction of biological resources.

Department of Pollution Control - Objects to project.

OTHERS: City of North Miami has issued its permit.

STAFF RECOMMENDS denial of Permit 253.124-251.

ACTION OF THE TRUSTEES:

Mr. Wilton R. Miller, attorney for the applicant, said he had provided each member a summary pertaining to this case, that his legal position is that when the owner of privately owned land within an established bulkhead line applied to fill with material from other sources, that owner had the legal right

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to fill and the Trustees are under a duty to issue that fill permit or to institute eminent domain proceedings and compensate him for his property. He said this was the only unfilled parcel within the bulkhead line in this area, creating a hiatus and debris in its present condition, and to fill was the only way to utilize the parcel of land.

Mr. O'Malley was very familiar with the area and asked Mr. Miller a number of questions regarding the maps and bulkhead line adjustments. Mr. O'Malley said the Dade County Planning Department should be contacted for aerial photographs and clarification as to what point the bulkhead line was established and curved south of the Broad Causeway. He felt that aerial photographs over a period of years would enable the members to make a fairer decision.

Governor Askew asked the Attorney General to be prepared to advise whether the Board was under any mandate of the court in this type of circumstance.

Mr. Stone felt that clarification was needed as to whether the Board had any discretion in the issuance of the fill permit if an applicant for a fill permit had purchased the land from the Trustees, the area is within an established bulkhead line, and the source of the fill is from upland or other sources.

Upon the request of Mr. O'Malley, further consideration was deferred for two weeks.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the rules were waived for consideration of addendum items 18, 19 and 20.

-18-

MONROE COUNTY - Proposed Settlement.

APPLICANT: Rimersburg Coal Company
c/o John G. McKay, Jr.
Ninth Floor, Dade Federal Savings Building
101 East Flagler Street
Miami, Florida 33131

Trustees Field Operations Division reported that submerged lands in Sections 3 and 4, Township 67 South, Range 27 East, at Sugar Loaf Key, Monroe County, had been dredged and/or filled. Some of the filling took place between 1951 and 1959, and some took place between 1959 and 1963.

Based on a review of all available information, it appears that 25.01 acres of sovereignty lands have been filled during the period between 1951 and 1963.

Applicant has offered to convey to the Board of Trustees 75 acres of upland it owns in exchange for a deed to the 25.01 acres which were inadvertently filled, the lands to be selected from uplands owned by the applicant.

Staff recommends acceptance of the proposed settlement, subject to advertisement for objections only.

ACTION OF THE TRUSTEES:

Mr. Kuperberg recommended the resolution of this old issue as in the best interest of the State of Florida. The applicant had offered three times the number of acres filled years ago, to be selected jointly by the Trustees and the applicant from adjoining uplands.

Mr. Christian spoke of the difficulty of obtaining school sites in Monroe County, and the possibility that selection of the land might be coordinated with the County School Board. He said the Trustees would be paid for the school land.

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On motion by Mr. Stone, seconded by Mr. O'Malley, the Trustees accepted the proposed settlement subject to advertisement for objections only, and requested the staff to work with the Department of Education in selecting a suitable site for a school, if possible, in the 75 acres to be conveyed to the Board of Trustees.

-19-

PINELLAS COUNTY - Sand Key, U. S. Steel.

Mr. Kuperberg informed the Board that deferral for two weeks had been requested by Comptroller Dickinson.

Attorney General Shevin recognized the automatic deferral and made some comments he thought appropriate at this time. He was pleased that the original lawsuit that was filed and the First District Court's favorable ruling on the Tonarama case, the Space Needle at Daytona Beach, apparently brought about serious negotiations between the City of Clearwater and U. S. Steel on the purchase of portions of the beach at Sand Key. But Mr. Shevin criticized the language in the contract that might place the Trustees in an unfavorable position if the state decided to join in a lawsuit, and for that reason he was glad there had been a delay. He pointed out that he took a voluntary non-suit in the case and, hopefully, the Trustees would agree to join in it at some future time there was something further to be gained by litigation.

In the interim, Mr. Shevin had contacted U. S. Steel to ask for public access rights to the remaining portions of the beach.

Without objection, action was deferred.

-20-

PALM BEACH COUNTY - Dredge and Fill Permit No. 253.123-875 and 253.124 (August 26, 1971)

This matter was deferred on August 29, 1972.

APPLICANT: J. Stockton Bryan, Sr.
c/o Hutcheon Engineers, Inc.
324 Royal Palm Way
Palm Beach, Florida 33480

PROJECT: To dredge approximately 3,000 cubic yards and fill submerged lands behind seawall to be constructed.

LOCATION: Section 34, Township 42 South, Range 43 East,
Palm Beach County

MATERIAL: 3,000 cubic yards of material will be dredged.

PAYMENT: None. State-owned sovereignty land not involved.

STAFF

REMARKS: Field Operations Division has no objection.

BIOLOGICAL

RESPONSES: Department of Natural Resources - No objection.
Bureau of Beaches and Shores recommends that the bulkhead should follow the mean high water line.

Game and Fresh Water Fish Commission - Suggests that applicant not fill below mean high water line, and that existing riprap be left in place. Docks and piers could be constructed and navigation could be satisfied by small access channel.

Department of Pollution Control - No objection.

September 19, 1972

- OTHERS: 1. Area Planning Board - No objection.
2. Board of County Commissioners - No objection.
3. Town of Palm Beach - No objection.

STAFF RECOMMENDS approval of application for Permit No. 253.123-875 and 253.124, as revised and accepted by the Department of Natural Resources, Division of Beaches and Shores, by letter of September 11, 1972.

ACTION OF THE TRUSTEES:

The Director explained that the staff recommended denial when this application was on the agenda three weeks ago, because of objections from the Division of Beaches and Shores and the Game and Fresh Water Fish Commission. After revisions in the applicant's plan the Division of Beaches and Shores removed its objections, and the fact that a stone or riprap revetment will be used in lieu of some of the bulkhead would at least mitigate the objections of the Game and Fresh Water Fish Commission. The staff now recommends approval of the application as redesigned in a lazy "s" with a portion of the seawall replaced with riprap.

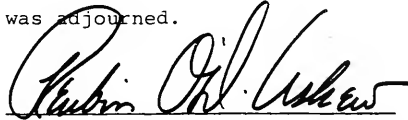
On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the revised application was approved.

TRUSTEES OFFICE - Permit Applications.

Mr. Kuperberg distributed copies of the new permitting application and instruction booklet, reviewing briefly the directions of the Board on April 4 with respect to coordinating with the other environmental agencies of state government to develop a procedure that would allow the Trustees to consider within no more than 120 days all applications filed.

The procedure developed by a private consulting firm was instituted July 5, at which time the new application form was delayed in order to try to coordinate with the U. S. Corps of Engineers. An application filed with the state and federal government simultaneously will have a shorter processing time at the state level, and also, it is hoped, will allow a simultaneous processing by the Corps. Staff is working with the Corps toward this goal.

On motion duly adopted, the meeting was adjourned.



GOVERNOR

- CHAIRMAN

ATTEST:



EXECUTIVE DIRECTOR

* * * *

September 19, 1972

Tallahassee, Florida
October 4, 1972

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg	Executive Director
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The minutes of the meeting of September 19, 1972, were approved with correction of the description in the second item on the agenda and minutes of the Escambia County land to be advertised for sealed bids for an oil and gas lease. The underscored portion of the following description was inadvertently omitted from the description on the agenda:

LOCATION: That portion of State Road 4 crossing Sections 1, 2, 7, 8, 9, 10, 11 and 12, Township 5 North, Range 31 West; that portion of State Road 4-A crossing Sections 3 and 10, Township 5 North, Range 31 West; and that portion of State Road 168 crossing Sections 2, 3, 4, 5 and 6, Township 5 North, Range 31 West and Sections 31, 32, 33, 34 and 35, Township 6 North, Range 31 West, containing a total of 84.61 net mineral acres.

RESOLUTION - Canals

On motion by the Attorney General, seconded by Mr. Christian, the rules were waived for consideration of a resolution offered by the Attorney General.

On motion made by Attorney General Shevin, seconded by Commissioner of Education Christian and passed unanimously, the Board of Trustees adopted the following resolution:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

WHEREAS, a preponderance of scientific evidence indicates that canals constructed to create waterfront building sites are ultimately deleterious to the aquatic resources which the Trustees in varying capacities, jointly and severally, are charged with protecting; and

WHEREAS, it appears that such canals may cause serious environmental degradation which reaches beyond the boundaries of the immediate developed property; and

WHEREAS, it appears that where these canals are incisions into the aquifer such development may threaten underground water resources as to both quantity and quality; and

WHEREAS, it appears that waterfront canals may become a liability to the local government as well as to the owner of such waterfront property; and

WHEREAS, it appears that the contaminated condition of labyrinthine canal systems presents a health hazard to both animals and humans; and

WHEREAS, it appears that such canals threaten the quality of receiving waters, and create costly problems in maintenance for individual property owners and public agencies; and

WHEREAS, it appears that the trend toward proliferation of such developments, if unabated, will lead to environmental disaster for Florida citizens; and

WHEREAS, the State of Florida Board of Trustees of the Internal Improvement Trust Fund is gravely concerned by the problem.

NOW, THEREFORE, BE IT RESOLVED by the State of Florida Board of Trustees of the Internal Improvement Trust Fund, in regular meeting assembled, that in the light of present knowledge regarding private residential canal systems it is the policy of the Board to discourage any agency, company, or person, public or private, from constructing a canal system without any prior notification of the Trustees and then applying upon completion for a permit to connect it to navigable waters of the State of Florida.

BE IT FURTHER RESOLVED that the Trustees do hereby call on all persons to take notice that anyone in the process of selling lots, or who has sold lots, on the basis of a commitment to provide navigational access to these lots and is in the process of dredging upland canals will not thereby establish justification for the later issuance of a permit to connect them to the public waters of this state.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to each Board of County Commissioners, to the governing body of each municipality in Florida, to the Department of Pollution Control, to the United States Army Corps of Engineers, to the United States Environmental Protection Agency, and to each accredited representative of the news services in the Capitol to the end that this resolution be given widespread publicity.

The Attorney General noted that while this was the date scheduled for consideration of the Sand Key item, it had been temporarily withdrawn. His office would continue to monitor the matter. He stated that a key criteria is a bond issue referendum in the City of Clearwater, the result of which the Trustees would want to consider.

Without objection, the Sand Key matter was temporarily withdrawn.

As the meeting of September 26 had been cancelled, the Board considered at this time the 11 applications on a previously circulated agenda of that date.

-1-

PALM BEACH COUNTY - Application for Disclaimer
File No. 2474-50-253.129
(August 23, 1972)

STAFF

DESCRIPTION: A parcel of filled sovereignty land in Lake Worth abutting Government Lot 2, Section 35, Township 44 South, Range 43 East, Palm Beach County.

A. CITY AND COUNTY: South Palm Beach, Palm Beach County

B. APPLICANT: W. R. M. Building Corporation
4501 South Ocean Boulevard
Palm Beach, Florida

C. APPLICANT'S
REPRESENTATIVE: Richard E. Saleeby
359 South County Road
Palm Beach, Florida 33480

D. ACREAGE: 1.38 acres

E. APPRAISAL: Not applicable

F. BIOLOGICAL
REMARKS: Not applicable

October 4, 1972

G. STAFF REMARKS: The applicant has made application pursuant to Section 253.129, Florida Statutes, which provides that "The title to all lands heretofore filled or developed is herewith confirmed in the upland owners and the trustees shall on request issue a disclaimer to each such owner."

Two affidavits have been submitted that show that the parcel was in place prior to June 11, 1957.

\$100.00 processing fee has been submitted.

Staff requests authority to issue the disclaimer.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed unanimously, the Trustees approved issuance of the disclaimer for \$100 processing fee.

-2-

DADE COUNTY - Campsite Lease 2303
(August 24, 1972)

APPLICANT: J. A. Belcher and James C. Ellenburg
Post Office Box 1751, Miami, Florida 33101

PROJECT: Renewal of Campsite Lease No. 2303 for one year with option to renew for an additional four years at annual rental of \$300.00.

LOCATION: Dade County on the shoal area south of Key Biscayne in south Biscayne Bay.

PAYMENT: \$300.00 per year.

Staff recommends approval and issuance in accordance with the policy adopted on April 7, 1970, which requires all structures in existence to be under lease for so long as the structure remains in existence and provided that sanitary facilities are installed by the lessee to prevent discharge of any raw sewage from the site.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed unanimously, the Trustees authorized renewal of Campsite Lease No. 2303 with the provisions recommended by the staff.

-3-

ALACHUA COUNTY - Dredge and Construction Permit No. 253.123-1034
(February 1, 1972)

APPLICANT: Board of County Commissioners
Post Office Box 582, Gainesville, Florida 32601

PROJECT: To dredge a 70 foot diameter turning basin and a 50 foot wide canal connecting into Lake Santa Fe.

LOCATION: Section 13, Township 9 South, Range 22 East, Alachua County.

MATERIAL: 3,500 cubic yards of material will be displaced.

PAYMENT: Request fee be waived, as project is in the public interest.

STAFF
REMARKS: No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - See Game and Fresh Water Fish Commission comments.

Game and Fresh Water Fish Commission - No objection provided project is constructed according to recommendations set forth in the July 15, 1971 letter to Mr. Roy Miller, County Engineer of Alachua County.

Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners - No objection.

Staff recommends issuance of Dredge and Construction Permit No. 253.123-1034 with the recommendations of the Game and Fresh Water Fish Commission.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed unanimously, the dredge and construction permit was approved subject to the recommendations of the Game and Fresh Water Fish Commission, and without fee as the project is in the public interest.

-4-

GULF COUNTY - Utility Permit No. 23-33-0036
(June 29, 1972)

APPLICANT: City of Port St. Joe
c/o David B. Smith and Register and Cummings
Associated Engineers
2512 Southwest 34th Street
Gainesville, Florida 32601

PROJECT: To install a 48 inch diameter outfall line with 3 branch lines 36 inch diameter for effluent disposal from Port St. Joe water treatment plant, extending approximately 1,500 feet into St. Josephs Bay.

LOCATION: City of Port St. Joe, Gulf County.

MATERIAL: No dredging required.

PAYMENT: None required as no sovereignty material will be used.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Utility Permit No. 23-33-0036.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, the Trustees authorized issuance of the utility permit to the City of Port St. Joe.

-5-

HERNANDO COUNTY - Dredge and Fill Permit No. 253.123-1065
and 253.124-297
(April 25, 1972)

APPLICANT: Board of County Commissioners of Hernando County
Post Office Box 185, Brooksville, Florida 33512

PROJECT: To dredge an 1,800 foot long by 40 foot wide by
3 foot deep extension to an existing channel. The
material to be removed will be placed alongside the
channel.

LOCAION: Section 11, Township 23 South, Range 16 East,
Hernando County.

MATERIAL: 6,000 cubic yards.

PAYMENT: None. Material will be placed on sovereignty land.

STAFF
REMARKS: Field Operations - No objections.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

OTHERS: Hernando County - No objections.

Staff recommends issuance of Dredge and Fill Permit No. 253.123-1065 and 253.124-297.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed
unanimously, the Trustees authorized issuance of the dredge and
fill permit to the Board of County Commissioners of Hernando
County.

-6-

HILLSBOROUGH COUNTY - Fill Permit No. 253.124-272
(June 19, 1972)

APPLICANT: Hendry Corporation
Post Office Box 13228, Tampa, Florida 33611

PROJECT: To construct a sheet steel piling retaining wall
and docking facility in front of an existing
deteriorated seawall. Material needed for back
filling will come from upland sources.

LOCATION: Section 6, Township 30 South, Range 18 East.

MATERIAL: None. No dredging required.

PAYMENT: Not applicable.

STAFF
Remarks: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - Objects.
Department of Pollution Control - No objection.

OTHERS: Tampa Port Authority approved a permit for Hendry
Corporation on June 13, 1972, No. TPA 72-5.

Staff recommends issuance of Construction Permit No. 253.124-272.

October 4, 1972

ACTION OF THE TRUSTEES:

In response to an inquiry Mr. Kuperberg stated that a field investigation showed that no unauthorized filling had been done.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, the construction permit was approved.

-7-

MARTIN COUNTY - Marina License Permit No. 43-30-0013
(June 7, 1972)

APPLICANT: Intracoastal Boatel Company
c/o Roman Mager, President
Post Office Box 1800, Stuart, Florida 33494

PROJECT: To construct a marina in the south fork of the
St. Lucie River at Palm City, Florida. The area
of the marina is 3,744 square feet.

LOCATION: Government Lot 1, Section 17, Township 38 South,
Range 41 East, Martin County.

MATERIAL: None. No sovereignty land involved.

PAYMENT: \$100.00 minimum annual fee received. \$300.00
bond posted.

STAFF
REMARKS: Field Operations - No objections.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners - Approved
May 9, 1972.

Staff recommends issuance of Marina License No. 43-30-0013
with a minimum annual fee of \$100.00.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed unanimously, the marina license permit to Intracoastal Boatel Company was approved as recommended.

-8-

PALM BEACH COUNTY - Dredge and Construction Permit No. 253.123-939
(August 16, 1972)

APPLICANT: The Regency of Palm Beach, Inc.
c/o Foresight, Inc.
201 North Federal Highway, Suite 107,
Deerfield Beach, Florida 33441

PROJECT: To dredge a navigation channel 40 feet wide, 6
feet deep, 430 feet long. The shoreward 50 feet
will be dredged 75 feet wide as a boat basin in
the vicinity of a proposed dock.

LOCATION: Easterly shore of Lake Worth in Section 23, Township
44 South, Range 43 East, Palm Beach County.

October 4, 1972

MATERIAL: 2,300 cubic yards sovereignty material to be removed and placed on uplands outside the corporate limits of the Town of Palm Beach.

PAYMENT: \$2,300 for material at standard rates.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

OTHERS: 1. Area Planning Board of Palm Beach County - No objection.
2. Board of County Commissioner of Palm Beach County - No objection.
3. Town of Palm Beach - No objection.

Staff recommends issuance of Dredge and Construction Permit No. 253.123-939.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed unanimously, the Trustees approved issuance of the dredge and construction permit as recommended.

-9-

PALM BEACH COUNTY - Construction and Fill Permit No. 253.124-316
(August 14, 1972)

APPLICANT: Palm Beach County
Board of County Commissioners
West Palm Beach, Florida

PROJECT: To construct a seawall 745 feet long between 2 existing seawalls and to reclaim a 245 foot strip of land (lost by artificially induced erosion) by backfilling with hauled in material.

LOCATION: Phil Foster Park in Section 27, Township 42 South, Range 43 East, Palm Beach County.

MATERIAL: All material will be from upland sources.

PAYMENT: Request fees be waived, since project is in public interest.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - Recommends filling be eliminated and seawall constructed above mean high water line with stone riprap.
Department of Pollution Control - No objection.

OTHERS: 1. County Commission - No objection.
2. Area Planning Board - No objection.

Staff recommends issuance of Construction and Fill Permit No. 253.124-316 with the provision that riprap be placed on the seaward side of the seawall.

October 4, 1972

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that the staff was not able to comply with a portion of the recommendations of the Game and Fresh Water Fish Commission.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, the Trustees approved issuance of the construction and fill permit with the provision for use of riprap on the seaward side of the seawall.

-10-

POLK COUNTY - Marina License No. ML-95

At the request of the staff, the application of R. F. Puterbaugh for construction of a marina facility in Section 6, Township 31 South, Range 28 East, Crooked Lake, Polk County, was withdrawn from the agenda.

-11-

ST. LUCIE COUNTY - Dredge Permit No. 253.123-1032
(July 25, 1972)

APPLICANT: Perry Boswell
Post Office Box 41, Stuart, Florida 33494

PROJECT: To dredge a canal 300 feet x 50 feet x -5 feet into the North Fork St. Lucie River to improve navigation.

LOCATION: Section 36, Township 37 South, Range 40 East, St. Lucie County.

MATERIAL: Approximately 1,889 cubic yards will be removed from sovereignty land, and placed behind adequately diked spoil area on applicant's upland.

PAYMENT: \$944.50 (not received)

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners of St. Lucie County - No objection.

Staff recommends issuance of Dredge Permit No. 253-123-1032.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed unanimously, the Trustees approved issuance of the requested dredge permit.

-1-

Proceeding with consideration of the applications on the agenda previously issued under date of October 3, it is noted for the record that item 1, approval of the minutes of September 19, was taken up at the beginning of this meeting.

-2-

BROWARD COUNTY - Dredge and Fill Permit No. 253.123-929
(August 30, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To construct a bascule bridge over the Intracoastal Waterway on State Road 820 in Broward County. It is proposed to dredge 26,465 cubic yards from land cut bottoms and place 12,528 cubic yards fill landward of bulkhead line with riprap sloping waterward from seawall face at elevation -5 to elevation -13.0 mean sea level.

LOCATION: Section 13, Township 51 South, Range 42 East, Broward County.

MATERIAL: 26,465 cubic yards to be removed from Intracoastal Waterway land cut.

PAYMENT: None.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - Requests use of silt screen and a limestone boulder riprap to reduce erosion and increase productivity of littoral zone.

Department of Pollution Control - No objection.

OTHERS: Department of Natural Resources - Bureau of Beaches and Shores recommends ogee curve west 30 feet radius at north end Ramp "A".

Staff recommends issuance of Permit 253.123-929 subject to Game and Fresh Water Fish Commission and Department of Natural Resources recommendations.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and passed unanimously, that the permit be approved subject to the conditions recommended by the environmental agencies.

-3-

DADE COUNTY - Dredge Permit No. 253.123-1170
(August 2, 1972)

APPLICANT: William P. Hardie
c/o Garriss Engineers, Inc.
622 Southwest 27th Avenue, Miami, Florida 33135

PROJECT: To deepen an existing boat slip to -11 feet depth mean low water and construct bulkheads.

LOCATION: Section 34, Township 53 South, Range 41 East, North side of the Miami River, Dade County.

MATERIAL: None to be removed from sovereignty lands.

October 4, 1972

PAYMENT: None.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection,
if silt is contained as proposed.

Game and Fresh Water Fish Commission - Recommends
that the shore line be graded to a gradual slope
and that sheet pile wall be eliminated or relocated
above the mean high water line. Spoil should be
retained by adequate dikes at the north end of the
boat basin, and diapers should be installed at the
south end of the boat slip.

Department of Pollution Control - No objection.

OTHERS: Dade County Board of County Commissioners - No
objection.

Staff recommends issuance of Dredge Permit No. 253.123-1170
subject to use of adequate silt retention devices.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the staff was not able to comply with some
of the Game and Fresh Water Fish Commission recommendations
because the project is a boatyard slip and sloping banks would
be infeasible.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed
unanimously, the dredge permit was approved subject to use of
adequate silt retention devices.

-4-

FRANKLIN COUNTY - Dredge Permit No. ML-18
(May 30, 1972)

APPLICANT: Alligator Point Marina, Inc.
c/o Truett and Watkins
Post Office Box 1814, Tallahassee, Florida 32302

PROJECT: To construct a corrugated metal bulkhead and
dredge an area 230 feet long by 100 feet wide.

LOCATION: Section 3, Township 7 South, Range 2 West,
Alligator Point, Franklin County.

MATERIAL: 8,000 cubic yards of material to be removed from
sovereignty land.

PAYMENT: \$4,000.00 tendered as payment for material.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection as long
as spoil is placed on uplands.

Game and Fresh Water Fish Commission - No objection.
Spoil should be placed on uplands.

Department of Pollution Control - No objection.

Staff recommends issuance of Dredge Permit No. ML-18 provided
that a silt retaining device shall be used and that dragline
work be performed prior to connection with Alligator Harbor,
and that all spoiling be on uplands.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, the Trustees approved the staff recommendations for issuance of the dredge permit. The applicant has agreed to the condition that all spoiling be done on upland property.

-5-

VOLUSIA COUNTY - Marina License Permit No. 64-30-0099
(June 16, 1972)

APPLICANT: Executive Enterprises of Florida
Joint Venture
137 Sunrise Boulevard, Suite 16
Daytona Beach, Florida 32018

PROJECT: To construct a commercial dock 150 feet long
with end T 50 feet x 26 feet on the west
shore of the Halifax River at Daytona Beach;
marina area 4,776 square feet.

LOCATION: Government Lot 2, Section 5, Township 15 South,
Range 33 East, Volusia County.

MATERIAL: Not applicable.

PAYMENT: Minimum annual fee \$100.00, received. Cash
bond \$300.00, received.

STAFF
REMARKS: No objection

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No
objection.

Department of Pollution Control - No objection.

OTHERS: City Commission issued City of Daytona Beach, Permit
by Resolution No. 72-118.

Staff recommends issuance of Marina License 64-30-0099.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, the Trustees approved issuance of the marina license.

-6-

PINELLAS COUNTY - Dredge Permit No. 253.123-1156
(May 1, 1972)

APPLICANT: The Ervin Company (Sunstate Builders, Inc.)
Post Office Box 15657, Tampa, Florida

PROJECT: To dredge a navigation channel 627 feet x 5
feet below mean low water, and to construct
an upland boat basin in Old Tampa Bay at
Cove Cay - Allens Creek.

LOCATION: Northwest quarter of Section 29, Township 29 South,
Range 16 East, Pinellas County.

MATERIAL: 9,600 cubic yards to be removed from sovereignty
bottoms.

PAYMENT: \$9,600.00 paid for material at standard yardage rates.

October 4, 1972

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS:

Pinellas County Water and Navigation Control
Authority - No objection.

Staff recommends issuance of Dredge Permit No. 253.123-1156.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed unanimously, the Trustees approved issuance of the dredge permit.

-7-

WALTON COUNTY - Confirm a Public Sale of Murphy Act Land
(August 21, 1972)

LAND

DESCRIPTION: Commencing 92 feet West of Northeast corner of Block 1626, run West 100 feet, thence South 135 feet, thence East 100 feet, thence North 135 feet, Town of DeFuniak Springs, Florida, in Walton County.

LOCATION: The land is a parcel 100 feet by 135 feet in Block 1626, with 100 feet frontage on unpaved street, in a sparsely (old) developed residential area in the northern perimeter of DeFuniak Springs with homes in the \$1,500 to \$6,000 class.

APPRAISAL: By staff appraiser, \$335.00

AUTHORITY

FOR SALE: Section 197.350, Florida Statutes

DATE OF

SALE: August 21, 1972, by Clerk of the Circuit Court of Walton County.

HIGH

BIDDER: Oliver Cook, Route 4, Box 315, DeFuniak Springs, Florida

HIGH BID: \$335.00

Recommend confirmation of sale of this parcel of land to Oliver Cook for \$335.00 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, confirming the public sale of the parcel of land under provisions of the Murphy Act to Oliver Cook as recommended by the staff.

October 4, 1972

-8-

SANTA ROSA COUNTY - Advertise for Oil and Gas Lease
(June 19, 1972)

APPLICANT: Continental Oil Company
Post Office Box 51266, OCS
Lafayette, Louisiana

REQUEST: Advertise for bids for an oil and gas drilling lease.

LOCATION: Those portions of State Road 10 (U.S. No. 90) and Interstate 10 lying in Sections 25, 26, 27, 34, 35, and 36, Township 2 North, Range 27 West, Santa Rosa County, containing a total of 285 surface acres (285 net mineral acres).

INTEREST

OF STATE: Department of Transportation holds a full interest in the petroleum.

Proceeds from this lease will go to the Department of Transportation.

The request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term lease with annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one test well every 2½ years drilled to 6,000 feet or to a depth sufficient to test the Norphlet Sands, whichever is deeper. Well drilling operations are prohibited on the road rights-of way.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. O'Malley and passed without objection, authorizing advertisement of the lease for sealed bids as recommended by the staff.

-9-

PALM BEACH COUNTY - Road and Drainage Easement
(July 27, 1972)

APPLICANT: Seminole Sugar Corporation
Belle Glade, Florida

APPLICANT'S
REPRESENTATIVE: Hutcheon Engineers, Inc.
324 Royal Palm Way, Palm Beach, Florida

REQUEST: Easement for road right of way and canal drainage.

LOCATION: Across north line of Section 4 and west lines of Sections 4, 9 and 16, Township 43 South, Range 39 East, Palm Beach County.

The easement requested by Seminole will allow drainage and access affecting approximately 2,400 acres of land north of the eight and one-half sections of state land at Twenty-Mile Bend which are under control of the Glades Correctional Institution. The Central and Southern Florida Flood Control District requirement for drainage of this land is the discharge of water to the south into the West Palm Beach Canal. To accomplish this, Seminole is requesting an easement over state land which will involve improvements to an existing GCI borrow ditch and dike and subsequent maintenance at Seminole's expense. A road is proposed on the reconstructed dike.

The Department of Health and Rehabilitative Services has reviewed the engineering plans prepared by Hutcheon Engineers, Inc. for this request and, in view of the benefits that will be derived by the institution, recommends granting the easement to Seminole.

October 4, 1972

Game and Fresh Water Fish Commission reviewed the proposed plans, inspected the property, and has no objections to the proposal.

Field Operations recommends approval of the drainage easement.

Recommend issuance of non-exclusive easement to Seminole Sugar Corporation in and to the west 100 feet of Sections 4, 9 and 16, north of the West Palm Beach Canal and the north 100 feet of Section 4, all in Township 43 South, Range 39 East, Palm Beach County.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and passed without objection, approving issuance of non-exclusive easement to Seminole Sugar Corporation in and to the land described above, as recommended by the staff.

Motion was made by Mr. Christian, seconded by Mr. Stone and passed without objection, to waive the rules for consideration of all the following items added to the original agenda.

-10-

PINELLAS COUNTY - Application for Quitclaim
File No. 617-52-253.12,
(September 19, 1972)

STAFF DESCRIPTION: A parcel of filled sovereignty land in Section 9, Township 31 South, Range 15 East, 0.29 acre

A. CITY AND COUNTY: Madeira Beach, Pinellas County.

B. APPLICANT: City of Madeira Beach

C. APPLICANT'S REPRESENTATIVE: Mayor Raymond W. Hanke, Jr.
300 Municipal Drive
Maderia Beach, Florida 33708

D. ACREAGE: 0.29 acre

RATE PER ACRE: \$17,100 per acre. \$4,959 for the state's interest in the parcel.

E. APPRAISAL: A. B. Fogarty, M.A.I., June 25, 1971, reviewed and projected by staff appraiser September 19, 1972.

F. PURPOSE: Commercial enterprise

G. BIOLOGICAL REMARKS: Not applicable. The parcel is filled and is not on the water.

H. STAFF REMARKS: The parcel is the westerly tip of a 15-acre parcel dedicated by No. 22473 (617-52), as authorized by the Trustees May 10, 1960, with public purpose restrictions. The restrictions were modified by No. 22473(617-52) Supplemental, as authorized by the Trustees April 19, 1966.

The parcel is now severed from the original 15-acre parcel by Municipal Drive and is contiguous to a 5-acre plus parcel the city acquired from other sources.

October 4, 1972

A special election was held by the city on January 11, 1972, and the voters approved the sale of the 5½ acres, which includes the 0.29 acre parcel. The vote was 103 to 36 in favor of sale of the property.

The city received a high bid of \$228,000 for the 5½ acre parcel and by Resolution No. 71.43 has allotted the major portion of the sum for acquisition and construction of specific recreational projects.

The staff is of the opinion that the public interest would be served by the issuance of a quitclaim for the purpose of removing the restrictions from the 0.29-acre parcel.

This application is placed on the agenda at the request of the Commissioner of Education.

Staff requests authority to issue the quitclaim deed upon payment of the appraised value of \$4,959.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the requested quitclaim deed upon payment of the appraised value for the state's interest in the parcel of land.

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TRUSTEES OFFICE

Staff requests authority to relocate our personnel in the building at 206 West Madison Street to the Brock Building. The Brock Building is ideally located just across Pensacola Street from the Elliot Building. The move should increase the staff's efficiency and provide additional space necessary due to the additional positions recently approved by the legislature. The Governor's office will utilize the building at 206 West Madison Street.

Total costs to renovate the Brock Building are estimated to be \$20,000 of which \$10,000 will be requested from the State Deficiency Fund and \$10,000 will come from the regular expense budget of the Trustees' Staff. Staff anticipates having the work completed and making the move by November 1, 1972.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the staff request was granted.

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SARASOTA COUNTY - Dredge Permit No. 253.123-1140
(November 9, 1971)

Placed on the Agenda at the request of the Governor's Office.

APPLICANT: Siesta Cove Community, Inc.
3101 Maguire Boulevard, Orlando, Florida
c/o Mosby Engineering Associates, Inc.
6601 Superior Avenue, Sarasota, Florida

PROJECT: To dredge a canal 2000 feet x 75 feet to 240 feet
(-)6.0 below mean low water at Siesta Key,
Sarasota County.

LOCATION: Government Lot 1, Section 7, Township 37 South,
Range 18 East, Sarasota County.

October 4, 1972

MATERIAL: 60,000 cubic Yards to be removed of which 8,000 cubic yards will come from state bottoms.

PAYMENT: Applicant has offered 8.1 acres of low upland and submerged land to the Trustees in lieu of cash payment.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Sarasota County Water and Navigation Control Authority, Major Work Permit 72-4-M approved modification of permit to exclude boat basin.

Staff recommends issuance of Dredge Permit No. 253.123-1140 to dredge perimeter channel only, subject to receipt of warranty deed to 8.1 acre parcel of low uplands and submerged land.

ACTION OF THE TRUSTEES:

Mr. Kuperberg called attention to the correction of acreage from 7.5 to 8.1 acres offered by the applicant.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, the Trustees approved issuance of the dredge permit for the perimeter channel only, subject to receipt of warranty deed to 8.1 acres of low uplands and submerged land.

-14-

WITHLACOOCHEE RIVER IN LEVY, CITRUS AND MARION COUNTIES - Draw-down and Maintenance Dredging

The Corps of Engineers has lowered that portion of the Withlacoochee River extending from the dam in Levy County through Citrus County and to Blue Run in Dunellon in Marion County, from its normal level of 27 - 27.5 feet to 24 feet. The draw-down was done to facilitate maintenance dredging of the river channel and repair to the dam.

All material removed will be placed on upland spoil disposal area.

The permits issued will be subject to concurrence by the U. S. Army Corps of Engineers.

The Southwest Florida Water Management District, the Department of Pollution Control, the Game and Fresh Water Fish Commission, and Field Operations Division have no objection to this work.

Staff requests authority to grant permits to riparian owners to perform maintenance dredging in the adjoining boat slips, channels and bathing areas in this section of the Withlacoochee River.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Chrisitian and passed unanimously, the Trustees approved the staff request and authorized the granting of maintenance dredge permits.

October 4, 1972

-12-

DADE COUNTY - Construction and Fill Permit No. 253.124-251
(August 16, 1972)

On September 19, action was deferred for two weeks at the request of the Treasurer.

APPLICANT: George Helker, c/o Wilton R. Miller
Bryant, Dickens, Rumph, Franson & Miller
700 Tallahassee Bank Building
Tallahassee, Florida 32301

PROJECT: To construct a seawall and fill an area 900 feet long by 200 feet wide, approximately 3.6 acres.

LOCATION: West side of Biscayne Bay, south of Broad Causeway in Section 28, Township 52 South, Range 42 East, Dade County.

MATERIAL: Approximately 76,700 cubic yards of material will be used from upland sources.

PAYMENT: None required, since applicant owns bottom land, TITF Deed No. 22704-B.

ECOLOGICAL RESPONSES: Department of Natural Resources - Would have definite adverse effects on fish and wildlife.

Game and Fresh Water Fish Commission - Recommend denial because of the destruction of biological resources.

Department of Pollution Control - Objects to project.

OTHERS: City of North Miami has issued its permit.

STAFF RECOMMENDS denial of Permit 253.124-251.

ACTION OF THE TRUSTEES:

Executive Director Kuperberg stated that the staff recommended denial of the dredge and fill application based on the objections from the environmental agencies of destruction of biological resources and degradation of water quality.

Asked by the Governor to summarize his findings with respect to the assertions of the applicant's attorney on September 19 that the Trustees had no discretion to deny the fill permit, the Attorney General expressed the opinion that the Trustees have the constitutional authority to deny a fill permit to Mr. Helker or any private owner of land formerly sovereignty land if a determination is made that the fill would be contrary to the public interest. This one would adversely affect and interfere with conservation of natural resources as had been reported to the Trustees by the Department of Natural Resources, Game and Fresh Water Fish Commission, and the Department of Pollution Control. Pointing out that approximately three and a half acres of productive marine assets were involved, Mr. Shevin asked, for the record, and was assured by the Executive Director that the staff recommendation for denial was based on the findings that the biological resources would be damaged to such an extent as to be contrary to the public interest.

Motion was made by the Attorney General, seconded by the Treasurer, that the staff recommendation be accepted and the permit denied.

Mr. O'Malley said the Board should resolve the matter of buying back land that was sold or realignment of the bulkhead line. The Governor responded that this was something that the Board had charged Mr. Kuperberg and the departments to try to offer a recommendation in this area, not necessarily for definite buy-back in this instance, but a definite policy to proceed in cases where it is the Board's desire to do so.

October 4, 1972

Mr. Wilton R. Miller, attorney for the applicant, Mr. George Helker, expressed disagreement with the Attorney General's opinion that the Trustees are not legally bound to issue the permit. He said the state had the burden of proof to show that the filling of Mr. Helker's privately-owned land is contrary to the public interest. He summarized the background of this application and the efforts of his client in good faith to comply with changing laws from the time he obtained a permit to fill in 1952 from the Corps of Engineers. Mr. Helker now proposed to obtain the material without dredging, to fill only to the bulkhead line, and Mr. Miller reiterated his position that under Florida law the Board of Trustees was required to issue the permit and, further, was morally bound as the land had been sold for one purpose and to deny this owner an opportunity to use the land in the only way it could be used was not dealing fairly with the citizen.

Governor Askew stated that the Board was Trustee of property belonging to the State of Florida, and it was not correct to say that the land was purchased for only one use as there are other uses. He was unwilling to say that anyone who purchases has the absolute right to fill out to the bulkhead line regardless of the effect on the environment, and he made as part of the record the adverse reports from the agencies involved in making environmental comments that were considered by the Trustees in their determination as to whether the proposed fill would be contrary to the public interest.

The motion made by the Attorney General, seconded by the State Treasurer, to accept the staff recommendation was unanimously carried and the permit was denied.

Mr. Shevin said that now that board meetings would be held every two weeks, he again would request that addendum items be avoided.

Governor Askew agreed that wherever possible, addendum items should be eliminated.


Mrs. Clifton Lewis was present to ask the status of the case regarding the fence across the Wakulla River below Wakulla Springs. She said the Attorney General was asked for an opinion on the legality of the fence, and she thought the state was preparing a case in the matter.

Mr. Sherman Weiss, staff legal counsel, said litigation was brought by Mr. Tom Morrill and others, that the Board of Trustees was defending against Mr. Morrill's charge that the Trustees failed to do their duty under the Pollution Control Act, and there was no cross claim. Judge Taylor had set a date for pre-trial conference in November.

Mr. Christian remarked that Mr. Morrill had appeared before the Trustees on the matter, and before the Director could make a recommendation, Mr. Morrill filed a suit because he did not think the Board was moving fast enough.

With regard to Mrs. Lewis' expressed concern that the plaintiffs might be required to guarantee payment of costs beyond their ability to pay, Governor Askew said his understanding was that the court costs to the plaintiffs if they lost would be within the discretion of the court and based upon the financial status of the plaintiffs.

Governor Askew assured Mrs. Lewis that if, for any reason procedurally, the suit does not proceed to a conclusion as to whether the fence is legal or illegal, it might be incumbent upon the state to proceed with some type of litigation of the point.



GOVERNOR

- CHAIRMAN

ATTEST:

Joel Kuperberg
 EXECUTIVE DIRECTOR

* * *

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* * *

Tallahassee, Florida
 October 17, 1972

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

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The minutes of the meeting on October 4, 1972, were approved as submitted.

-2-

ESCAMBIA AND SANTA ROSA COUNTIES - Oil Lease Assignment
 (August 30, 1972)

APPLICANT: W. A. Moncrief
 Moncrief Building, Fort Worth, Texas 76102

REQUEST: Consent and approval of assignment of interest in 15 mineral acres of Oil Lease No. 2464 held by W. A. Moncrief, Jr., Mary Wiley Black, individually and as executrix of Estate of R. B. Moncrief, Sr., deceased, and Robert Klabzuba. W. A. Moncrief is to retain a .40625 interest after the assignment.

LOCATION: Oil and Gas Lease No. 2464 dated September 1, 1970, covering 205 acres, more or less, in a portion of Escambia River.

LEASE TERM: Five years from September 1, 1970

Executive instrument of assignment has been filed and approved as to form and legality by the Trustees' legal staff.

Recommend approval and consent to assignment.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and carried without objection, the Board approved and consented to the assignment.

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LEON COUNTY - Road Right of Way
 (August 24, 1972)

APPLICANT: Department of Transportation
 Tallahassee, Florida

October 17, 1972

REQUEST: Easement for road purposes across a parcel of Capitol Center property in use by the Department of Agriculture and Consumer Services as its calibrating station on East Pensacola Street.

DESCRIPTION: Parts of Lots 13 and 14, Old Plan of City of Tallahassee, containing a total of 0.11 acre, more or less.

The right of way requested will be utilized in the reopening of Meridian Street underneath Apalachee Parkway.

The Department of Agriculture and Consumer Services has reviewed this request and offers no objection to the project.

Recommend issuance of the easement for public road purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Christian and carried without objection, the Board approved issuance of the easement to the Department of Transportation for public road purposes only.

-4-

PALM BEACH COUNTY - Dredge and Fill Permit No. 253.123-1195 and 253.124-310
(July 20, 1972)

APPLICANT: South Lake Worth Inlet District
c/o Gee and Jenson
2019 Okeechobee Road
West Palm Beach, Florida 33401

PROJECT: To excavate rock from sides of inlet channel and place rock in bottom of channel.

LOCATION: Section 15, Township 45 South, Range 43 East, Palm Beach County.

MATERIAL: 1,350 cubic yards to be dredged and used as fill material in channel bed.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: 1. Area Planning Board, Palm Beach County - No objection.

2. Board of County Commissioners of Palm Beach County - No objection.

Staff recommends issuance of Dredge and Fill Permit No. 253.123-1195 and 253.124-310.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and carried without objection, the Board approved issuance of the dredge and fill permit.

October 17, 1972

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PINELLAS COUNTY - Utility Dredge Permit No. 52-23-0091
(July 18, 1972)

APPLICANT: City of Clearwater
Clearwater, Florida

PROJECT: To dredge a trench on the bottom of Clearwater
Pass for a 12 inch water main and 4 inch H. P.
gas line 28.1 feet below mean low water with
30 inches minimum cover.

LOCATION: Section 8, Township 29 South, Range 15 East,
Pinellas County.

MATERIAL: 325 cubic yards to be dredged and placed in
trench during construction.

PAYMENT: City requests waiver of fees.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Pinellas County Water and Navigation Control
Authority Permit DO-211 issued July 11, 1972.

Staff recommends issuance of Utility Dredge Permit 52-23-0091
and waiver of fee as the project is in the public interest.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Messrs. Stone and Conner,
and carried without objection, the Board approved issuance of the
utility dredge permit to the City of Clearwater without fee.

-6-

PINELLAS COUNTY - Marina License Permit No. 52-30-0092
(July 25, 1972)

APPLICANT: C. Ray Gipson
La Fiesta Motel Apartments
105 Brightwater Drive
Clearwater Beach, Florida 33515

PROJECT: To construct a commercial dock at applicant's
property on Clearwater Harbor.

LOCATION: Section 8, Township 29 South, Range 15 East,
Pinellas County.

MATERIAL: Not applicable.

PAYMENT: \$100.00 minimum annual fee received.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

October 17, 1972

OTHERS: Pinellas County Water and Navigation Control
Authority Permit No. 6624-72 issued July 18, 1972.

Staff recommends issuance of Marina License 52-30-0092.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and carried without objection, the Board authorized issuance of Marina License No. 52-30-0092.

-7-

POLK COUNTY - Marina License Permit No. 53-30-0015
(June 26, 1972)

APPLICANT: Wellington Association, Inc.
c/o First U. S. Management and Development Co.
Winter Haven, Florida 33880

PROJECT: To construct a marina in Lake Howard at Winter Haven adjacent to applicant's upland. Total marina area, 920 square feet.

LOCATION: Section 19, Township 28 South, Range 26 East, Polk County.

MATERIAL: None.

PAYMENT: Cash bond \$300.00 received. \$100.00 minimum annual fee received.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Marina License 53-30-0015.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and carried without objection, the Board authorized issuance of Marina License No. 53-30-0015.

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ST. LUCIE COUNTY - Marina License Permit No. ML-148
(June 6, 1972)

APPLICANT: Outdoor Resorts of America
c/o Mac Martin, Jr.
G. W. Martin, Inc.
201 North Federal Highway
Deerfield Beach, Florida 33441

PROJECT: To occupy 30,550 square feet of sovereignty land abutting applicant's uplands at Nettles Island in St. Lucie County and to construct two floating docks and one fixed dock at site.

LOCATION: Section 3, Township 37 South, Range 41 East, St. Lucie County.

MATERIAL: No dredging required.

PAYMENT: \$611.00 fee received.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

Staff recommends issuance of Marina License No. ML-148.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and carried without objection, the Board authorized issuance of Marina License No. ML-148.

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TRUSTEES' OFFICE

Included on the staff of the Board of Trustees are three division director positions, in addition to the executive director's position, which are exempt from the Career Service. In this exempt status, there is no provision for these division directors to earn or use annual and sick leave other than the internal procedure, established by the former executive director and carried on by this director, which allows these employees to earn and use annual and sick leave in accordance with the Personnel Rules and Regulations applicable to career employees. Request Board approval of this internal procedure, retroactive to 10/1/69, the date the division director positions were established.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone and carried without objection, approving the internal procedure retroactive to October 1, 1969, the date the division director positions were established.

-10-

ESCAMBIA COUNTY - Consideration of Oil and Gas Lease Bids

On August 29, 1972, at the request of Humble Oil and Refining Company, the Trustees authorized advertisement inviting sealed bids for a five-year oil and gas drilling lease covering the reserved one-half petroleum interest of the State in four parcels of privately-owned land containing 202.44 surface acres (101.22 net mineral acres) and the full petroleum interest in one acre owned by the State, containing a total of 203.44 surface acres (102.22 net mineral acres) in Escambia County.

Proceeds from this lease will go to General Revenue unallocated.

The lease will require an annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one well every 2 1/2 years.

Invitation to bid was published pursuant to law in the Tallahassee Democrat and Pensacola Journal with bids to be opened at 10:00 A.M. (EDST) on October 17 for consideration by the Trustees. The right to reject any or all bids is reserved.

ACTION OF THE TRUSTEES:

Mr. James T. Williams, Director of Land Records Division of the Trustees' office, announced that one bid was received in response to the advertised notice. Humble Oil and Refining Company submitted a total bid amount of \$107,426.00, representing a bonus of \$1,049.00 per acre and the first year's rental of \$102.22.

October 17, 1972

Mr. Williams stated that before issuance of the lease it would be necessary to hold a public hearing because some of the lease area lies in a municipality.

Motion was made by Mr. Christian, seconded by Mr. Stone and carried without objection, accepting the bid of Humble Oil and Refining Company and authorizing the public hearing pursuant to the requirements of Section 253.52, Florida Statutes.

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SANTA ROSA COUNTY - Consideration of Oil and Gas Lease Bids

On August 29, 1972, at the request of Continental Oil Company, Lafayette, Louisiana, the Trustees authorized advertisement inviting sealed bids for a five-year oil and gas drilling lease covering the reserved one-half petroleum interest of the State in 158 surface acres of privately-owned land in NW¼ of Section 25, Township 2 North, Range 27 West, Santa Rosa County (79 acres net mineral interest).

Proceeds from the lease will go to General Revenue unallocated.

The lease will require an annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one well drilled every 2 1/2 years.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and the Press-Gazette (Milton) with bids to be opened at 10:00 A.M. (EDST) on October 17 for consideration by the Trustees. The right to reject any and all bids is reserved.

ACTION OF THE TRUSTEES:

Mr. James T. Williams, Director of Land Records Division of the Trustees' office, announced that one bid was submitted in response to the advertised notice. Continental Oil Company of Lafayette, Louisiana, submitted a total bid amount of \$26,149.00, representing a bonus of \$330.00 per acre and the first year's rental of \$79.00.

Motion was made by Mr. Christian, seconded by Mr. Stone and carried without objection, that the bid of Continental Oil Company be accepted and the oil and gas drilling lease be awarded to that bidder.

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WALTON COUNTY - Consideration of Oil and Gas Lease Bids

On August 29, 1972, at the request of Sonat Exploration Company, Houston, Texas, the Trustees authorized advertisement inviting sealed bids for a five-year oil and gas drilling lease covering the reserved one-half petroleum interest of the State in two parcels of privately-owned land containing 80.25 surface acres (40.125 net mineral acres) in Walton County.

Proceeds from the lease will go to General Revenue unallocated.

The lease will require an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/6 royalty and at least one well drilled every 2 1/2 years.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and the DeFuniak Springs Herald with bids to be opened at 10:00 A.M. (EDST) on October 17 for consideration by the Trustees. The right to reject any or all bids is reserved.

ACTION OF THE TRUSTEES:

No bid having been received, no action was taken.

October 17, 1972

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HOLMES AND WALTON COUNTIES - Consideration of Oil and Gas
Lease Bids.

On August 29, 1972, at the request of Sonat Exploration Company, Houston, Texas, the Trustees authorized advertisement inviting sealed bids for a five-year oil and gas drilling lease covering the reserved one-half interest of the State in the petroleum in approximately 37 scattered parcels and subdivision lots in private ownership containing 1,052.48 surface acres (526.24 net mineral acres) in Holmes and Walton Counties.

Proceeds from the lease will go to General Revenue unallocated.

The lease will require an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/6 royalty and at least one test well every 2 1/2 years.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat, the DeFuniak Springs Herald, and the Holmes County Advertiser with bids to be opened at 10:00 A.M. on October 17 for consideration by the Trustees. The right to reject any or all bids is reserved.

Before lease can be issued, it is necessary to hold a public hearing to allow interested persons to be heard with respect to issuance of the lease. The hearing is required by Section 253.52, Florida Statutes, when a lease area lies within a radius of three miles of the boundary of any incorporated city or town. The corporate boundary of the Town of Ponce de Leon lies within three miles of the lease area.

Recommend that James T. Williams of the Trustees' staff be designated to conduct the public hearing pursuant to law and report to the Trustees the results of the hearing.

ACTION OF THE TRUSTEES:

No bid having been received, no action was taken.

-14-

WALTON COUNTY - Consideration of Oil and Gas Lease Bids

On August 29, 1972, at the request of Sonat Exploration Company, Houston, Texas, the Trustees authorized advertisement inviting sealed bids for a five-year oil and gas drilling lease covering the reserved one-half petroleum interest of the Trustees in three parcels of privately-owned land containing 160.97 surface acres (80.48 net mineral acres) in Walton County.

Proceeds from the lease will go to the Internal Improvement Trust Fund.

The lease will require an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/6 royalty and at least one well every 2 1/2 years.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and DeFuniak Springs Herald, with bids to be opened at 10:00 A.M. (EDST) on October 17 for consideration by the Trustees. The right to reject any or all bids is reserved.

Before lease can be issued, it is necessary to hold a public hearing to allow interested persons to be heard with respect to issuance of the lease. The hearing is required by Section 253.52, Florida Statutes, when a lease area lies within a radius of three miles of the boundary of any incorporated city or town. The corporate boundary of the Town of Ponce de Leon lies within three miles of the lease area.

October 17, 1972

Recommend that James T. Williams of the Trustees' staff be designated to conduct the public hearing pursuant to law and report to the Trustees the results of the hearing.

ACTION OF THE TRUSTEES:

No bid having been received, no action was taken.

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PALM BEACH COUNTY - Road Right of Way Easement
(June 13, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

REQUEST: Title to land for right of way of State Road
No. 9 (I-95)

LOCATION: Two parcels of land containing 30.97 acres, more or less, in Section 13, Township 47 South, Range 42 East, and two parcels of land containing 13.64 acres, more or less, in Palm Beach County.

These parcels of land on the western boundary of the Florida Atlantic University property are needed for I-95 right of way and realignment of existing access roads. The Department of Transportation has appraised the parcels requested and offers \$356,900 for fee title to the land. Staff appraiser has reviewed and approved the consideration offered.

The Facilities Committee and Executive Committee of the Board of Regents have reviewed and approved transfer of this land for road purposes and indicates the consideration offered is acceptable.

Recommend conveying fee title to the Department of Transportation for road purposes only for the consideration offered.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and carried without objection, the Trustees authorized conveyance to the Department of Transportation as recommended by the staff.

-16-

MANATEE COUNTY - Dredge Permit No. 253.123-1108
(February 9, 1972)

APPLICANT: James K. McCall, Eaves Allison, Robert A. Rampone
c/o Smally, Wellford and Nalven
Post Office Box 4069
Sarasota, Florida 33578

PROJECT: To dredge an 25 feet wide navigation channel 1052 feet long to -4.0 feet mean sea level and to dredge a channel 350 feet x 50 feet x -4.0 feet adjacent and parallel to the northerly shore of the bay at applicant's property.

LOCATION: Section 25, Township 35 South, Range 16 East, Sarasota Bay, Manatee County.

MATERIAL: 3,200 cubic yards of material to be removed and placed on upland.

PAYMENT: \$3,200 received for sovereignty material at standard rates.

STAFF

REMARKS: No objection.

October 17, 1972

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection provided spoil is carefully contained.

Game and Fresh Water Fish Commission - "We suggest as an alternate that the applicant consider placing his proposed canal on the upland and leave the submerged lands in a natural state."

Department of Pollution Control - No objection.

OTHERS: Town of Longboat Key - No objection.

Staff recommends issuance of dredge permit 253.123-1108 subject to the recommendations of the Game and Fresh Water Fish Commission and the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and carried without objection, the Trustees approved issuance of the dredge permit subject to the recommendations of the environmental agencies.

-17-

PINELLAS COUNTY - Marina License Permit No. 50-30-0020
(July 26, 1972)

APPLICANT: La Costa Brava Apartments No. 1
560 Plaza Seville Court
Treasure Island, Florida

PROJECT: To construct a dock 36 feet long x 4 feet wide with mooring piles at the applicant's property on Boca Ciega Bay.

LOCATION: Section 25, Township 31 South, Range 15 East, Pinellas County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Pinellas County Water and Navigation Control Authority application M6295-72 approved March 7, 1972.

Staff recommends issuance of Marina License 50-30-0020 and construction permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and carried without objection, the Trustees approved Marina License No. 50-30-0020 and construction permit.

October 17, 1972

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VOLUSIA COUNTY - Marina License ML-117 and Construction Permit
(July 27, 1972)

APPLICANT: U. S. Coast Guard Auxiliary Flotilla 44
c/o Commander D. A. Cameron
258 Poinciana Avenue
Harbor Oaks, Florida 32019

PROJECT: To construct a pier 25 feet long x 8 feet wide
for use in Coast Guard Auxiliary Public Safety
Program.

LOCATION: Municipal Boat Basin, Daytona Beach, Florida

MATERIAL: None.

PAYMENT: Applicant requests waiver of fees.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Marina License ML-117 and Construction Permit with annual fee waived as project is in the public interest.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and carried without objection, the Trustees approved Marina License ML-117 and Construction Permit, and waived the annual fee for this project in the public interest.

-19-

MONROE COUNTY - Lease No. 773 assignment
(October 17, 1972)

APPLICANT: George H. Estes and Alice P. Estes
Route 1, Box 46
Islamorada, Florida 33036

PROJECT: George H. Estes and Alice P. Estes, Lessees and Small Business Administration, lienholder, request assignment of Lease No. 773 to Estes Fishing Camp, Inc., a Florida Corporation, Route 1, Box 46, Islamorada, Florida 33036.

LOCATION: Monroe County, 1.6 acres, more or less, in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22, Township 63 South, Range 37 East, Monroe County.

MATERIAL: Instruments of assignment and acceptance of terms and conditions executed by both parties, have been approved by staff legal counsel.

PAYMENT: Applications have tendered \$25.00 assignment fee in accordance with the Trustees' policy of December 1, 1970.

STAFF

REMARKS: Field Operations has inspected the premises and offers no objections to this fish camp operation.

Staff recommends approval of assignment of Lease No. 773.

October 17, 1972

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and carried without objection, the Trustees approved assignment of Lease No. 773 to Estes Fishing Camp, Inc., as requested.

On motion by Mr. Christian, seconded by Mr. Stone and adopted without objection, the rules were waived for consideration of all the following items added to the original agenda.

-20-

BREVARD COUNTY - Dredge Permit No. 253.123-837
(June 29, 1972)

APPLICANT: C. L. Jaren
Banana River Marina Service
Banana River Drive South
Merritt Island, Florida 32952

PROJECT: To dredge an access channel 1,200 feet x 50 feet x (-) 6.0 mean low water and do maintenance dredging in an existing boat basin.

LOCATION: Section 6, Township 25 South, Range 37 East, Banana River, Merritt Island, Brevard County.

MATERIAL: Approximately 1,500 cubic yards of material will be removed from sovereignty land.

PAYMENT: \$1,500 received as payment.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection; spoil areas should be diked to prevent siltation.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Dredge Permit No. 253.123-837.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and carried without objection, the Board approved issuance of Dredge Permit No. 253.123-837.

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TRUSTEES' FUNDS:

In furtherance of Trustees' Resolution of April 4, 1972, a survey has been conducted, at staff's request, by Mr. Nelson Hanover of Financial Controls, Inc., who has agreed to perform the following additional services:

1. Incorporate the remaining permit related activities such as bulkheads and land sales and leases, into the current system.
2. Support the goal of establishing a modern organizational structure which can survive the departure of key individuals by developing detailed, technical task descriptions for all land management responsibilities, assisting in the design and implementation of an organizational structure and personnel assignments which would be most efficient, and training the affected individuals.

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3. Conduct a detailed audit of the current permitting section to assure that a smooth transition has been made. Assist in the conversion of old files.

All of the activities described above are to be completed by December 15, 1972, and the fee for these services is not to exceed \$4,000, plus reasonable travel expenses in compliance with Section 112.061, Florida Statutes.

Staff requests Trustees' authorization to order the study and to expend the funds necessary for this work.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and carried without objection, the Board granted the staff request to order the study and expend the funds for this work.

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VOLUSIA COUNTY - Dredge and Fill Permit Nos. 253.123-292
and 253.124-1149
(April 4, 1972)

APPLICANT: Venezia "A" Inc. and Venezia "C" Inc.
c/o Ronald C. LaFace
203 South Adams, Tallahassee, Florida

PROJECT: To dredge 2,800,000 cubic yards from lands sold to the applicant by Trustees' Contract Nos. 21670, 21671 and 21672 dated November 1, 1957. Dredge material will be used to fill submerged lands.

LOCATION: Sections 7, 8, 17 and 18, Township 17 South, Range 34 East, Volusia County.

MATERIAL: 2,800,000 cubic yards to be removed from privately-owned bottoms.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations objects: "This project will entail extensive alteration to the existing habitat."

ECOLOGICAL
RESPONSES:

Department of Natural Resources: Objects. "The proposed dredging and filling would eliminate more than 600 acres of the protective marsh-creek system."

Game and Fresh Water Fish Commission: Objects. "We recommend against the issuance of the permit."

Department of Pollution Control - Objects: "The application as submitted is unacceptable to this department and hopefully will be revised."

Staff recommends denial of application.

ACTION OF THE TRUSTEES:

The Director said this was land sold under a contract sale agreement, and 100 acres had been dredged and filled. The time limit for dredging had been extended once by the Trustees and was running out on one portion of the project. There were objections from all environmental agencies. Mr. Kuperberg said it was further his opinion that federal permits would not be issued to allow this work. For these several reasons Trustees' staff recommended denial of the application as submitted. The staff had discussed with the applicant's representative the possibility of reducing the project to a very small fraction of what was requested, or of working out a land exchange.

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Mr. Ronald C. LaFace, attorney representing Venezia, Inc., the owner or equitable owner of the submerged land, said that in 1957 at a time when development was desired the Trustees sold to Venezia 700 acres to be dredged and filled, and that his clients' right to dredge and fill was derived from a contract with the state. If the permit cannot be acquired, he indicated interest in negotiating a trade for land not ecologically endangered and asked for extension of the time for appeal in court.

Mr. Kuperberg noted that the old contracts had been extended once before and the staff had no objection to an extension of the time for appeal, during which time negotiations between staff and the applicant might proceed. He said that denial of an application is generally considered to be without prejudice.

Motion was made by Attorney General Shevin, seconded by Mr. Christian and passed without objection, that the Board accept the staff recommendation for denial of the application based on adverse ecological reports from the Department of Natural Resources, Game and Fresh Water Fish Commission and the Department of Pollution Control showing that it would be in the public interest to try to preserve the marine habitat. Included in the motion was an additional proviso providing a 90-day extension of the time for court appeal by the applicant.

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PASCO COUNTY - Dredge and Fill Permit No. 24663(774-51)-253.124
(June 19, 1972)

APPLICANT: Block "M", Incorporated
Route 4, Box 1908A, Hudson, Florida

PROJECT: Dredge and fill submerged lands previously
conveyed under Deed No. 24663(774-51) dated
August 18, 1967.

On July 18, 1972, the Board of Trustees extended
this permit for 60 days and again on September 6,
1972, the Board extended this permit until October 22,
1972.

LOCATION: Section 33, Township 24 South, Range 16 East,
Pasco County.

MATERIAL: 87,000 cubic yards to be excavated from privately
owned submerged land.

PAYMENT: None. State owned submerged lands not involved.

STAFF

REMARKS: The Board of Trustees in meeting on July 22, 1969,
approved the permit issued by Pasco County to
Block "M", Incorporated, a non-profit corporation,
to dredge and fill submerged land previously
conveyed by the Board. The expiration date of the
permit issued was extended until October 22, 1972.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The proposed
dredging and filling of 12½ acres of grassy
submerged lands would have significant adverse
effects on marine biological resources.

Game and Fresh Water Fish Commission - Recommends
denial.

Department of Pollution Control - Because of a
recent decision by the U. S. Corps of Engineers
to assert jurisdiction in this area, certification
by Department of Pollution Control will be required.

Staff recommends a 60-day extension of Permit 24663(774-51)-
253.124, to process application for water quality certification.

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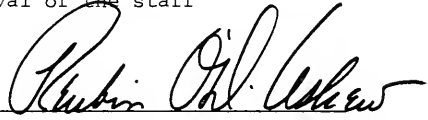
ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that this was an old project in which V. M. Clark, Jr., acquired submerged land under purchase contract, began the work in 1962, and sold the lands. A dike has been constructed around the submerged land being purchased. It was prior to the time that the Trustees had a permitting procedure but the Board then did require a local permit and certified "no objections" to the Corps of Engineers. However, to date the staff has been unable to find the permit records of this project and is continuing to search the files.

Motion was made by Mr. Christian and seconded by Mr. Stone that the staff recommendation for 60-day extension be accepted.

Mr. Leon Whitehurst, Jr., attorney from Clearwater, and Mr. Ernest J. Hesse were present representing Block "M" Corporation, a non-profit corporation. Mr. Whitehurst said they preferred to be heard at a later date if the extension of time was adopted so that further facts could be presented to the Cabinet.

Without objection, the motion for approval of the staff recommendation was adopted.



GOVERNOR

CHAIRMAN

ATTEST:



EXECUTIVE DIRECTOR

* * * *

Tallahassee, Florida
October 31, 1972

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

On motion by the Attorney General, seconded by the Treasurer and passed without objection, the rules were waived at the request of the Attorney General for consideration of an important matter concerning the 25,313 acres of land in Dade County previously ordered by the federal court to be conveyed to Aerojet General Corporation. Mr. Shevin pointed out that approximately two weeks ago the Florida Supreme Court ruled that prior to selling to a private individual or corporation, the Board was required to offer the land to Dade County.

The Attorney General read portions of a resolution passed unanimously this morning by Metro-Dade County setting forth the need of the county for the land in question for public recreation purposes and authorizing purchase at \$50 an acre. A check for \$1,246,308.88 had been delivered to Mr. Shevin by Mr. Ray Goode, an assistant county attorney. Mr. Shevin had

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prepared a special warranty deed, with the usual mineral reservations contained in Trustees' deeds, conveying the land to the county for public outdoor recreation purposes, providing for reversion to the Trustees in the event the land ceases to be used for such purposes and providing that if the deed is invalidated as the result of litigation, the amount paid will be returned to Dade County.

Mr. Shevin made a motion that the Board, acting under the order of the Florida Supreme Court, execute the deed in order to keep the land in the public domain. Mr. Goode would carry the executed deed back to the county that was prepared to file a quiet title suit.

Treasurer O'Malley seconded the motion, commenting that the uses proposed by Dade County for this land would benefit not only that county but people throughout the state.

Responding to Mr. Stone, Mr. Shevin said that in his opinion there were no court orders entered to date that would prevent this action by the Board of Trustees, that the Board would be conveying whatever right, title and interest it had and would be acting under order of the Florida Supreme Court. Mr. Shevin said the absence of Comptroller Dickinson on this date and absence of his signature on the deed would cause no problem.

The motion passed without objection and the Trustees executed the deed conveying the tract of land to Metro-Dade County for \$1,246,308.88 for the purposes and under the provisions as set forth in the deed prepared by the Attorney General.

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The Board deferred approval of the minutes of October 17, 1972.

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HIGHLANDS COUNTY - Consideration of Grazing Lease Bids

On September 6, 1972, the Trustees authorized advertising for sealed bids for a grazing lease covering a tract of land owned by the Trustees in Sections 27, 28, 33 and 34, Township 35 South, Range 31 East, Highlands County, containing 1,415.08 acres, more or less.

The term of the lease is for three years with an option to renew for an additional three years with rental for second three-year period to be established by appraisal. The lease will be subject to cancellation by the Trustees following a 90-day written notice.

Bids will be offers of annual rental per acre with a minimum or starting bid of not less than \$2.85 per acre per year. All bids must be accompanied by a certified or cashier's check in the amount of the bid.

Invitation to bid has been advertised for four consecutive weeks in the Sebring News and in the October 15 edition of the Market Bulletin published by the Department of Agriculture and Consumer Services.

Bids are to be opened at 10:00 A.M. (EST) on October 31, 1972, for consideration by the Trustees. The right to reject any and all bids is reserved.

October 31, 1972

ACTION OF THE TRUSTEES:

Mr. James T. Williams, Director of Land Records Division of the Trustees' office, read the eleven bids received, as follows:

S. T. Andrews and E. H. Remington, \$5.19 per acre
 Robert D. Stokes, \$7.25 per acre
 Tave Waldron, \$5.10 per acre
 Maurice G. Albritton, \$4.50 per acre
 James K. Cobb, \$3.26 per acre
 Jack A. Kelley, \$4.25 per acre
 Hayward H. Davis, \$5.05 per acre
 James O. Woodward, Jayne Beck, Ronald Stephens, \$4.05
 per acre
 E. G. Touchton, Jr., \$3.40 per acre
 A. H. Mobley, L. E. Ford, Sr., Jerry L. Ford, \$4.25
 per acre
 Jack Bain, Everett Boney, \$4.31 per acre

Mr. Williams recommended acceptance of the high bid.

On motion by Mr. O'Malley, seconded by Mr. Conner and passed without objection, the Trustees accepted the high bid of \$7.25 per acre made by Robert D. Stokes and authorized issuance of grazing lease to Mr. Stokes.

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DESOTO COUNTY - Consideration of Oil and Gas Lease Bids

On September 6, 1972, at the request of Shell Oil Company, New Orleans, Louisiana, the Trustees authorized advertising for sealed bids for a five-year oil and gas drilling lease covering the reserved one-half interest of the Board of Education in the petroleum in all of privately-owned Section 16, Township 39 South, Range 27 East, less SW $\frac{1}{4}$ of NW $\frac{1}{4}$, containing 600 surface acres (300 net mineral acres), in DeSoto County.

Proceeds from the lease will go to the School Fund.

The lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/8 royalty and at least one test well every 2 $\frac{1}{2}$ years.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and The Arcadian newspapers with bids to be opened at 10:00 A.M. on October 24, 1972, for consideration by the Trustees. The right to reject any or all bids is reserved.

ACTION OF THE TRUSTEES:

Mr. Williams said the one bid received was from Shell Oil Company in the total amount of \$3,420.85 representing a bonus per acre of \$10.40.

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the Trustees accepted the bid and authorized issuance of oil and gas drilling lease to Shell Oil Company.

 ESCAMBIA COUNTY - Consideration of Oil and Gas Lease Bids

On September 19, 1972, at the request of Humble Oil and Refining Company, the Trustees authorized advertising for sealed bids for a five-year oil and gas lease covering the interest of the Department of Transportation in the petroleum in certain portions of State Road Nos. 4, 4-A and 168 in Township 5 North, Range 31 West and Township 6 North, Range 31 West, containing 84.61 net mineral acres in Escambia County.

Proceeds from the lease will go to the Department of Transportation.

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The lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/6 royalty, and at least one test well every 2½ years with drilling on the road right of way specifically prohibited.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and the Pensacola Journal with bids to be opened at 10:00 A.M. (EST) on October 31, 1972, for consideration by the Trustees. The right to reject any or all bids is reserved.

Before lease can be issued, it is necessary to hold a public hearing to allow interested persons to be heard with respect to issuance of lease. The hearing is required by Section 253.52, Florida Statutes, when a lease area lies within a radius of three miles of the boundary of any incorporated city or town. The corporate boundary of the Town of South Flomaton lies within three miles of the lease area.

Recommend that James T. Williams of the Trustees' staff be designated to conduct the public hearing pursuant to law and report to the Trustees the results of the hearing.

ACTION OF THE TRUSTEES:

Mr. Williams called attention to a correction in the description of the land in the agenda item, which was in Range 31 West and not Range 31 East.

One bid was received, from Humble Oil and Refining Company in the total amount of \$5,052.00 representing a bonus per acre of \$58.71.

Mr. Williams recommended receiving the bid as the high bid, and that awarding of the lease be deferred until after the public hearing and report to the Trustees.

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the Trustees took the action recommended.

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SANTA ROSA COUNTY - Oil Lease Assignment

APPLICANT: Amoco Production Company
New Orleans, Louisiana

REQUEST: Assignment of State Drilling Lease No. 2578-MA from Lessee, Amoco Production Company, to Humble Oil and Refining Company, Phillips Petroleum Company, Rudman Resources, Inc., Sun Oil Company, Texaco, Inc., Raymond A. Williams, Jr., Dalco Oil Company, Gordon W. Wells and R. Merrill Harris of varying interests with Amoco retaining a 16.41907% interest.

LOCATION: One-half interest of the State of Florida (Murphy Act) in West ½ of Northwest ¼ of Northwest ¼ of Section 13, Township 4 North, Range 29 West, Santa Rosa County.

LEASE TERM: Five years from February 22, 1972.

Executed instrument of assignment has been filed and approved as to form by the Trustees' legal staff.

Recommend approval and consent to assignment.

ACTION OF THE TRUSTEES:

On motion made by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees approved and consented to the assignment as recommended by the staff.

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FRANKLIN, GULF AND BAY COUNTIES - Seismic Survey Permit
(September 18, 1972)

APPLICANT: Geophysical Service, Inc.
New Orleans, Louisiana

REQUEST: Permission to conduct a seismic survey using air gun method without use of explosives.

LOCATION: That portion of the Intracoastal Waterway extending west from the Apalachicola River in Franklin County to East Bay in Bay County.

The Game and Fresh Water Fish Commission and Department of Natural Resources, Division of Interior Resources, reviewed the request and offered no objection.

Recommend issuance of permit.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees authorized issuance of the seismic survey permit as recommended by the staff.

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PALM BEACH COUNTY - Seismic Survey Permit
(August 18, 1972)

APPLICANT: Snell Oil Company
Post Office Box 174
Winter Haven, Florida

REQUEST: Permission to conduct a seismic survey across state-owned land.

LOCATION: A line across Sections 21 and 22, Township 43 South, Range 39 East, Palm Beach County. The survey will consist of 4½ inch diameter shot holes, fifty feet in depth, spaced at intervals of 75 feet, using a five pound charge.

The sections are in use by the Glades Correctional Institute as part of its farm operations. The Division of Corrections and Department of Health and Rehabilitative Services reviewed the request and have no objections to the survey.

The Central and Southern Florida Flood Control District reviewed the request and has no objection, provided all shot holes are outside District rights of way.

The Department of Natural Resources, Division of Interior Resources, has reviewed the request and has no objection to the survey, provided all shot holes are properly plugged with cement and existing road and fence lines are utilized where possible.

Recommend granting Shell Oil Company permission to conduct its survey across the two sections of state land subject to the conditions set forth above.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees granted permission for Shell Oil Company to conduct the survey subject to the conditions recommended by Central and Southern Florida Flood Control District and the Department of Natural Resources.

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MANATEE COUNTY - Application for Quitclaim, File No. 2449-41-253.12(6)
(August 21, 1972)

Staff Description: Two parcels of filled sovereignty land in Sarasota Pass abutting Government Lot 3, Section 28, Township 34 South, Range 16 East.

- A. CITY AND COUNTY : Manatee County
- B. APPLICANTS: D. D. Cameron, B. B. Cameron and J. S. Brody
- C. APPLICANTS' REPRESENTATIVE: William J. Roberts
Post Office Box 1386, Tallahassee, Florida
- D. ACREAGE: 0.30 acre and 0.20 acre, total 0.50 acre
RATE PER ACRE: \$1,750 per acre, or \$875 for the two parcels.
- E. APPRAISAL: Memorandum of appraisal by staff appraiser, September 28, 1972.
- F. PURPOSE: Not applicable.
- G. BIOLOGICAL REMARKS: Not applicable.
- H. STAFF REMARKS: The applicant applied for a quitclaim deed pursuant to Section 253.12(6) Florida Statutes, which provided that "Where any person, state agency, county, city or other political subdivision prior to June 11, 1957, extended or added to existing lands or islands bordering on or being in the navigable waters as defined in this section by filling in or causing to be filled in such lands, the Board shall upon application therefor convey said land so filled to the riparian owner or owners of the upland so extended or added to. The consideration for such conveyance shall be the appraised value of said lands as they existed prior to such filling."

The Department of Transportation, by instrument dated August 7, 1972, has disclaimed any interest in the two parcels.

The Department of Transportation, by letter of August 15, 1972, reports that the road project was completed and accepted June 4, 1957.

Applicants have submitted two affidavits stating that the parcels were filled during 1956.

Applicants have submitted \$100 processing fee.

Staff requests authority to issue quitclaim deed for the consideration of \$875, plus \$100 appraisal fee.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees authorized issuance of the quitclaim for \$875 consideration, plus \$100 appraisal fee.

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BREVARD COUNTY - Request for Refund
Dredge and Fill Permit No. 253.123-694, and
253.124-155 approved January 26, 1971.

APPLICANT: Kenneth L. Sagrans
c/o Kendall T. Moran
Post Office Box 1286, Titusville, Florida 32780

PROJECT: To dredge 4,000 cubic yards of material and fill
0.37 acre of submerged land.

LOCATION: Section 10, Township 22 South, Range 35 East,
Indian River, in Brevard County.

MATERIAL: 4,000 cubic yards.

PAYMENT: \$400.00

STAFF

REMARKS: Field Operations - A field check indicates that all
fill was trucked in and no dredging was done. The
surveys indicate that there has been no fill placed
on sovereignty lands.

Staff requests authority to refund \$400.00 paid for fill material
not utilized.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed
without objection, the Board authorized refund of \$400, the
amount paid for fill material that was not dredged.

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BREVARD COUNTY - Dredge and Fill Permit Nos. 253.123-543
and 253.124-124.

At the request of Mr. J. Lewis Hall, Jr., attorney for
Oakland Consolidated Corporation, applicant for an amended
permit for a project in Government Lot 6, Section 31, Township
24 South, Range 37 East, Newfound Harbor in Brevard County,
the application was withdrawn from the agenda because of
a misunderstanding. Mr. Kuperberg said the application would
be resubmitted.

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BREVARD COUNTY - Marina License Permit No. 05-30-0042
(June 28, 1972)

APPLICANT: Kenneth P. Saundry
1600 West Long Lake Road
Bloomfield Hills, Michigan 48013

PROJECT: To construct 300 feet long dock on the east shore
of the Indian River just south of Melbourne Beach.
The sovereignty land preempted by the pier is 2,840
square feet.

LOCATION: Section 20, Township 28 South, Range 38 East,
Brevard County.

MATERIAL: None. No dredging involved.

PAYMENT: \$100 check received as minimum annual fee for Marina
License.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

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Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Marina License No. 05-30-0042 with minimum annual fee of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the Trustees approved issuance of a marina license and construction permit as recommended by the staff.

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DADE COUNTY - Dredge and Fill Permit No. 253.123-1201,
253.124-314
(April 17, 1972)

APPLICANT: Dade County Public Works Department
1351 Northwest Twelfth Street
Miami, Florida 33125

PROJECT: Construction of a bulkhead and boat lift. Dredging and filling needed for expansion of existing facilities.

LOCATION: Section 5, Township 55 South, Range 41 East, Matheson Hammock Park, Dade County.

MATERIAL: 1,300 cubic yards.

PAYMENT: None. State-owned sovereignty land not involved.

STAFF
REMARKS: Field Operations - No objections.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Constuction of the proposed riprap bulkhead and elimination of the shallow pocket would have limited adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - To maintain productivity of the subject area, we recommend against the issuance of this permit and suggest that the applicant use existing deep water and upland areas rather than eliminating shallow submerged lands and intertidal vegetation by filling and riprap.

Department of Pollution Control - No objection.

Staff recommends issuance of Permits 253.123-1201 and 253.124-314 and waiver of processing fee as the project is for a public purpose.

ACTION OF THE TRUSTEES:

Mr. Kuperberg recommended approval because of the public nature of the boat launching ramp expansion. Only a few mangroves would be removed from this county park which is largely a mangrove forest.

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved the dredge and fill permits, waiving the processing fee as the project is for public use.

October 31, 1972

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DUVAL COUNTY - Fill and Construction Permit No. 253.124(8)-236
(August 17, 1972)

APPLICANT: G. A. Leek
c/o Lake G. Ray, Jr., Harbor Engineering
1039 Flagler Avenue, Jacksonville, Florida 32207

PROJECT: To construct a seawall 170 feet in length and to
reclaim a strip of land varying in width from zero
to 40 feet.

LOCATION: St. Johns River, at Mayport in Section 30, Township
1 South, Range 29 East, Duval County.

MATERIAL: All material will come from upland.

PAYMENT: None required.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

OTHERS: City of Jacksonville - No objection.

Staff recommends issuance of Fill and Construction Permit
No. 253.124(8)236.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed
without objection, the Trustees approved issuance of the fill
and construction permit.

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DUVAL COUNTY - Dredge Permit No. 253.123-465A

The application from Associated Investment and Development
Corporation for a permit to dredge two connections to the
Nassau River adjoining Pearson Island in Sections 33 and 34,
Township 2 North, Range 27 East, Duval County, was withdrawn
from the agenda at the request of the applicant.

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LEE COUNTY - Dredge Permit No. 253.123-871

The application from the Harper Brothers, Inc., to dredge a
channel in the Caloosahatchee River in Sections 20 and 29,
Township 45 South, Range 24 East, Lee County, was withdrawn
from the agenda at the request of Representative Lorenzo
Walker on behalf of the applicant.

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MARION COUNTY - Marina License Permit No. ML-141
(February 14, 1972)

APPLICANT: Kenneth Roberts
c/o Marion Engineering Associates, Inc.
Post Office Box 633, Ocala, Florida 32670

PROJECT: To construct a marina in Rainbow River on the
easterly shore 3/4 of a mile southeast of Rainbow
Springs in Marion County on 150 square feet of
sovereignty land.

October 31, 1972

LOCATION: Section 18, Township 16 South, Range 19 East,
Marion County.

MATERIAL: No dredging required.

PAYMENT: Minimum fee of \$100.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Deferred to Game
and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Marina License ML-141 with a
minimum annual fee of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed
without objection, the Trustees approved the marina license
and construction permit as recommended by the staff.

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MARTIN COUNTY - Marina License Permit No. ML-12
(October 2, 1972)

APPLICANT: John A. Herbert
c/o Mallory L. Johnson
306 North Florida Avenue
Jupiter, Florida 33494

PROJECT: To renew Marina License No. ML-12 for one year
beginning November 10, 1972.

LOCATION: Section 19, Township 40 South, Range 43 East,
Martin County.

PAYMENT: \$380.40 fee received for 19,020 square feet at two
cents per square foot.

STAFF

REMARKS: Field Operations - Not applicable.

ECOLOGICAL

RESPONSES: Not applicable.

Staff recommends renewal of Marina License No. ML-12 for one
year commencing November 10, 1972.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed
without objection, the Trustees approved one-year renewal of
the marina license as recommended by the staff.

October 31, 1972

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MONROE COUNTY - Dredge Permit No. 253.03-331
(February 2, 1972)

APPLICANT: W. K. Merrill
Route 1, Box 34, Islamorada, Florida 33036

PROJECT: To excavate a navigation channel 170 feet x 35 feet
x -5 feet deep.

LOCATION: Florida Bay, Monroe County, Section 7, Township 63
South, Range 38 East.

MATERIAL: 730 cubic yards.

PAYMENT: \$1,095.00 received in payment for sovereignty material
at standard rates.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends approval of Permit No. 253.03-331.

ACTION OF THE TRUSTEES:

Mr. Kuperberg informed the Board that this project was certified by the Department of Pollution Control prior to the moratorium.

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the dredge permit was approved.

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OKALOOSA COUNTY - Dredge Permit No. 46-21-0104
(August 3, 1972)

APPLICANT: Shalimar Yacht Basin
Post Office Box 188, Shalimar, Florida 33579

PROJECT: To perform maintenance dredging in existing channel
to Lake Como and Lake Toto.

LOCATION: Section 6, Township 2 South, Range 23 West,
Choctawhatchee Bay, Okaloosa County.

MATERIAL: 3,700 cubic yards material to be removed from
sovereignty bottoms in Choctawhatchee Bay.

PAYMENT: \$1,850 received for material at standard rates.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Turbidity and silt - retaining devices should be
used around dredge areas if necessary to protect
nearby bottoms.

Game and Fresh Water Fish Commission - No objection.
Recommends diaphragms be employed during the maintenance
dredging to control siltation.

Department of Pollution Control - No objection.

October 31, 1972

Staff recommends issuance of Permit No. 46-21-0104 with the stipulation that turbidity screens or diaphragms be installed and maintained during dredging.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Conner and passed without objection, the dredge permit for maintenance dredging was approved subject to the stipulation to control turbidity.

-20-

PALM BEACH COUNTY - Maintenance Dredge Permit No. 50-21-0112
(August 4, 1972)

APPLICANT: City of Boca Raton
201 West Palmetto Park Road
Boca Raton, Florida 33432

PROJECT: To maintain a navigation inlet and a drainage outlet for surrounding area, plus transfer sand for littoral drift.

LOCATION: Sections 28, 29, 32, Township 47 South, Range 43 East, Boca Raton Inlet.

MATERIAL: 60,000 cubic yards.

PAYMENT: None required since spoil material will be placed on sovereignty land.

STAFF REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources, as follows:

Division of Survey and Management - The dredging of the inlet should not have direct, wide-spread, adverse effects. However, in a swiftly flowing inlet, control of the silt liberated by the dredging would be practically impossible.

Division of Beaches and Shores - Recommends the project as necessary beach nourishment.

Game and Fresh Water Fish Commission - Dredging should be limited to only those areas which are shallow and a hazard to navigation. Spoil should be placed on uplands and removed to the City of Boca Raton Beach property for use by the general public.

Department of Pollution Control - No objection.

- OTHERS: 1. Area Planning Board of Palm Beach County - No objection.
2. Board of County Commissioners approved and endorsed the project.
3. Town of Hillsboro Beach requests that no permit be granted for the project unless the material removed will be restored to the littoral drift, will be placed upon lands seaward of the mean high water mark, and will not be placed on privately-owned uplands.

Staff recommends approval of Permit No. 50-21-0112.

ACTION OF THE TRUSTEES:

Mr. Kuperberg pointed out that the agenda information for "Payment" should read, "None required since spoil material will be placed on sovereignty land."

October 31, 1972

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Trustees approved the permit for maintenance dredging.

-21-

PALM BEACH COUNTY - Fill Permit No. 253.124(8)-276
(August 23, 1972)

APPLICANT: J. L. Moulder
1713 Northeast Second Street
c/o Lindahl and O'Brien
1308 North Alt. A-1-A
Jupiter, Florida 33458

PROJECT: To construct a concrete seawall and place approximately 50 cubic yards of back fill at applicant's land adjacent to the Loxahatchee River at Jupiter, Florida.

LOCATION: Section 36, Township 40 South, Range 42 East
Palm Beach County.

MATERIAL: 50 cubic yards of fill.

PAYMENT: None.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Central and Southern Florida Flood Control District -
No objection.

Staff recommends issuance of Fill Permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, issuance of the fill permit was approved.

-22-

PINELLAS COUNTY - Marina License Permit No. 52-30-0012
(June 9, 1972)

APPLICANT: Mrs. Don Clymer Kissee
119 West 128 Avenue, Madeira Beach, Florida

PROJECT: To construct docking facilities covering 1253 square feet of water column at an existing marina in Johns Pass, Madeira Beach, Florida.

LOCATION: Section 15, Township 31 South, Range 15 East,
Pinellas County.

MATERIAL: None.

PAYMENT: \$100 minimum annual fee received.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

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OTHERS: Pinellas County Water and Navigation Control Authority
Permit M6515-72 issued June 6, 1972.

Staff recommends issuance of Marina License and Construction Permit
No. 52-30-0012 with minimum annual fee of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees authorized issuance of marina license and construction permit as recommended by the staff.

-23-

PINELLAS COUNTY - Marina License Permit No. 52-30-0019
(July 26, 1972)

APPLICANT: K. D. Sauder
1861 Brentwood Drive, Clearwater, Florida

PROJECT: To construct a 50 feet long x 24 feet wide dock on the east shore of Clearwater Harbor, at the Harbour Club Apartments.

LOCATION: Section 32, Township 29 South, Range 15 East, Pinellas County.

MATERIAL: Not applicable.

PAYMENT: \$100.00 minimum annual fee received.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection .

OTHERS: 1. Pinellas County Water and Navigation Control Authority approved.

2. Town of Belleaire Bluffs issued Permit No. 265.

Staff recommends issuance of Marina License and Construction Permit No. 52-30-0019 with minimum annual fee of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees authorized issuance of marina license and construction permit as recommended, with minimum annual fee of \$100.

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PINELLAS COUNTY - Fill Permit No. 52-12-0071
(July 17, 1972)

APPLICANT: City of Tarpon Springs
Tarpon Springs, Florida

PROJECT: To replace a failing seawall at the city's sponge dock fronting on the south shore of the Anclote River; proposed construction will be 9.67 feet waterward of present wall.

LOCATION: Section 12, Township 27 South, Range 15 East, Pinellas County.

MATERIAL: No dredging indicated on plans.

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PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Pinellas County Water and Navigation Authority approved fill only application FO-284 September 19, 1972.

Staff recommends approval of Permit No. 52-12-0071.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Stone and passed without objection, the fill permit to the City of Tarpon Springs was approved.

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PINELLAS COUNTY - Artificial Reef Permit No. 52-32-0139
(August 28, 1972)

APPLICANT: City of Clearwater
Post Office Box 4748, Clearwater, Florida 33518

PROJECT: To add additional material to the existing City of Clearwater artificial reef.

LOCATION: Gulf of Mexico approximately 5,400 yards off Clearwater Beach, latitude 28 degrees, 00.6 minutes North, longitude 82 degrees, 53.3 minutes West.

MATERIAL: Motor vehicle tires, old appliances, broken concrete pipe - up to 4,000 cubic yards per month.

PAYMENT: None.

STAFF

REMARKS: Water depths of at least 15 feet mean low water will exist over the reef after construction.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The placement of additional artificial reef materials at this existing site should provide useful habitat for the attraction of marine life.

Appliances such as refrigerators, stoves, and washing machines are hard to contain at the reef site and deteriorate rapidly. Their use should be discouraged unless they are adequately weighted with concrete.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends approval of Artificial Reef Permit No. 52-32-0139 subject to the recommendation of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Conner, seconded by Mr. Stone and passed without objection, that the artificial reef permit be approved subject to the recommendation of Natural Resources Department.

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VOLUSIA COUNTY - Fill Permit No 253.124-312
(August 30, 1972)

APPLICANT: Dennis Erhart
3326 South Peninsula, Daytona Beach, Florida 32018

PROJECT: To fill an area of submerged land 60 feet x 50 feet
which was previously excavated to create a boat basin.

LOCATION: Section 35, Township 15 South, Range 33 East,
Halifax River, Volusia County.

MATERIAL: Fill to be obtained from upland sources.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations - Recommend approval

ECOLOGICAL
RESPONSES: Department of Natural Resources - To best conserve marine
biological resources, the proposed seawall should be
relocated landward of the cord grass shoreline.

Game and Fresh Water Fish Commission - This seawall
project, as presently outlined, would completely
eliminate this biological productive area.

Department of Pollution Control - No objection.

Staff recommends approval of Permit No. 253.124-312.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that the present owner wishes to restore a 50 foot by 60 foot parcel of upland that had been excavated for a boat basin. During the time it was excavated, a growth of cord grass had become established and was the basis of the objection.

Motion was made by Mr. Christian, seconded by Mr. Stone and passed without objection, approving the fill permit.

Responding to Mr. O'Malley's inquiry, Mr. Kuperberg said the applicant had agreed to relocate the seawall in line with adjacent existing seawalls at the mean high water line and eliminate all dredging.

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HOLMES COUNTY - Disclaimer
(October 31, 1972)

APPLICANT: Dan Parrett
Westville, Florida

PROJECT: Disclaimer to lands presently occupied by applicant.

LOCATION: Section 8, Township 4 North, Range 16 West,
Holmes County. Portion marked Parcel "A" on attached
survey, Exhibit B.

STAFF REMARKS: Disclaimer, to lands occupied by Dan Parrett,
pursuant to survey made as part of solution to Mr. Parrett's
problem.

Problem arose when Mr. Parrett was ousted from lands conveyed
by Murphy Act Deed because of defective description. (See Relief
Act, Chapter 72-459, Exhibit "A" attached.)

Upon payment of amount appropriated, Mr. Parrett gave state,
and Trustees, a general release. (See Exhibit "C" attached.)

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A disclaimer was promised so that the location of the property occupied by Mr. Parrett, surveyed, could be reflected in the Public Records of Holmes County.

Staff recommends issuance of Disclaimer to Mr. Parrett. (Exhibit D)

ACTION OF THE TRUSTEES:

The Director recommended issuance of the disclaimer in accordance with the claims bill and conditions under that bill.

Motion was made by Mr. Stone, seconded by Mr. Conner, that the staff recommendation be accepted.

Mr. Dan Parrett was not satisfied with a disclaimer because he said it did not show that he owned anything.

Mr. Sherman Weiss, staff legal counsel, explained briefly that the state could not convey because the state did not have any interest in the land, that the difficulty arose from descriptions of land certified to the State of Florida under the Murphy Act, that the land on which Mr. Parrett built his house was not the land described in any of the three Murphy Act deeds under which he acquired an interest. As part of the agreement to settle the problem, it had been agreed that Mr. Parrett would receive a survey of the land on which his house was located, could then record that and have something on which he could pay taxes and after the required period of time could quiet title. Mr. Weiss emphasized that at no time did the state represent that it had an interest in the property.

Mr. Kuperberg said the state had spent five years trying to resolve the matter and would continue to try to assist Mr. Parrett. Payment had been made to Mr. Parrett in accordance with the claims bill at which time he signed a general release. Governor Askew commented that the Legislature had shown in the claims bill the amount Mr. Parrett was to be reimbursed and the question of title might be resolved in a quiet title suit.

Motion was made by Mr. O'Malley, seconded by Mr. Stone and passed without objection, that the staff recommendation be approved and a disclaimer issued to Mr. Parrett.

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the rules were waived for consideration of all the following items added to the original printed agenda.

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PINELLAS COUNTY - Marina License and Construction Permit
No. 53-30-0016
(June 14, 1972)

APPLICANT: Treasure Island Tennis and Yacht Corporation
2901 58th Avenue North
St. Petersburg, Florida 33714

PROJECT: To construct three docks and occupy 38,280 square feet of sovereignty land adjacent to applicant's upland in Boca Ciega Bay at St. Petersburg, Florida.

LOCATION: Section 24, Township 31 South, Range 15 East, Pinellas County.

MATERIAL: None.

PAYMENT: \$765.60 annual fee received.

STAFF

REMARKS: Field Operations - No objection.

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ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: 1. Pinellas County Water and Navigation Control Authority approved marina application M6442-72.

2. City of Treasure Island approved permit application on April 27, 1972.

Staff recommends issuance of Marina License No. 50-30-0016 and construction permit.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner and passed without objection, authorizing issuance of the marina license and construction permit to Treasure Island Tennis and Yacht Corporation.

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OKALOOSA COUNTY - Marina License and Construction Permit
No. 46-30-0129
(July 31, 1972)

This application is placed on the agenda of this date at the request of the Governor's Office.

APPLICANT: Diamondhead Manufacturing, Inc.
Building 16, Mobile Aerospace Industrial Complex
Mobile, Alabama 36605

PROJECT: To construct a barge landing and four mooring dolphins covering 8,800 square feet of submerged land in Old Pass Lagoon.

LOCATION: East end of Old Pass Lagoon, Township 2 South,
Range 22 West, Okaloosa County.

MATERIAL: None.

PAYMENT: \$176 annual fee.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Marina License No. 46-30-0129.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees authorized issuance of marina license and construction permit.

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LAKE COUNTY - Construction and Dredge Permit No. 253.123-1020
(October 2, 1972)

This application is placed on the agenda at the request of the Secretary of State.

APPLICANT: Oklawaha Basin Recreation and Water Conservation
and Control Authority, c/o Gee & Jenson
2019 Okeechobee Boulevard, West Palm Beach, Florida

PROJECT: Channel improvement for flood prevention and agricultural water management and installation of water control structures to provide increased water storage capabilities.

LOCATION: Palatlahaha River Watershed in Township 20 South,
Ranges 24 and 25 East, and in Township 21 South,
Ranges 24 and 25 East, Lake County.

MATERIAL: Material removed will be placed on diked upland
spoil disposal areas.

PAYMENT: None. No state-owned sovereignty land involved.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Defers to Game and
Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - The revised plans and concepts, if fully implemented as proposed, satisfy the aims and objectives of our agency. In order to assure that correct management procedures are applied now and in the future, the following recommendations are offered: (1) An interagency committee consisting of personnel from the Lake County Water Authority, Southwest Florida Water Management District, Florida Game and Fresh Water Fish Commission, Lake County Pollution Control Office, and other state and local agencies concerned with water conservation, should be established to give advice on correct water regulation procedures. (2) Approval of the project should not be final until all permanent easements are obtained on the proposed water storage areas. (3) The river from structure M-6 to U. S. Highway 27 should be designated, by County resolution, as a public canoe trail. Our approval of the revised plan is tentative until the above recommendations are implemented.

Department of Pollution Control - Not received

OTHERS: 1. Lake County Department of Pollution Control suggests that conservation interests have a major say in water level schedules and fluctuations, and flowage easements be permanent.

2. Department of Administration, Division of State Planning, concludes that the project is in accord with state plans, projects, programs and objectives subject to the following conditions: (1) Permanent flowage easements which are not subject to future change are to be obtained for all flood-prone land along the river for the purpose of preventing development of such area. (2) If not prohibited by law or some other agency, an advisory committee is to be established after the project is implemented for the purpose of advising on water levels and other management of the project and include at least one representative of the Lake County Pollution Control Department or the Game and Fresh Water Fish Commission. (3) Consideration is to be given to taking steps to have all or a portion of the river between U. S. 27 and structure M-6 designated as a canoe trail, and constructing a small boat ramp in the vicinity of structure M-5.

STAFF RECOMMENDATION: Issuance of construction and dredge permit 253.123-1020, subject to the recommendations of the local and state agencies and the approval of the Department of Pollution Control.

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ACTION OF THE TRUSTEES:

Mr. Kuperberg said the staff had received the report from the Department of Pollution Control subsequent to printing the agenda.

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the staff recommendation was approved.

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PALM BEACH COUNTY - Road Right of Way
(June 11, 1972)

At the request of the Governor's Office, this application is placed on the agenda.

APPLICANT: Department of Transportation
Tallahassee, Florida

REQUEST: Title to land for right of way of State Road
No. 9 (I-95)

LOCATION: Three parcels of land containing 23.47 acres, more
or less, in Section 7, Township 47 South, Range 43
East and Section 13, Township 47 South, Range 42
East, Palm Beach County. (DOT Parcel No. 499.1)

The Trustees hold title pursuant to Section 253.03, Florida Statutes, to this land which consists of the Florida Atlantic University campus and Boca Raton airport. Title was conveyed by the War Assets Administrator in 1948 to the Town of Boca Raton and by the Town to the state for the location of the University and continuing operation of the airport, subject to certain restrictions governing the use of the airport property.

The Department of Transportation has appraised the 23.47 acres needed for I-95 right of way and offers \$180,700.00 for fee title for road right of way purposes.

Staff appraiser reviewed and approved the consideration offered.

Due to the restrictions limiting the use of the airport property, a release must be obtained from the Federal Aviation Administration to allow conveyance of the three parcels to the Department of Transportation for road purposes. The FAA will not execute a release of the restrictions unless the proceeds from the sale of the property are obligated for use exclusively for developing, improving, operating or maintaining the airport.

Staff was in doubt respecting the use of funds as required by FAA. Opinion of the Attorney General was requested and he advised that the proceeds did not accrue to the benefit of the Trust Fund, therefore the Trustees were not prohibited from complying with the requirements for release of the restrictive covenants.

Recommend the Board authorize:

1. Conveyance of the three parcels to the Department of Transportation for public road purposes for the consideration of \$180,700 offered;
2. Staff obtain release of restrictive covenants from FAA, and execution of such agreements as are necessary by the Executive Director and the Board of Regents;
3. Funds received be transferred to Board of Regents to be expended as required by FAA on the Boca Raton airport currently operated under the jurisdiction of the Board of Regents.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the recommendations were accepted as the action of the Trustees.

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POLK COUNTY - Land Exchange

Placed on the agenda at the request of Commissioner Doyle Conner.

Request consideration of an agreement to exchange a tract containing 49½ acres in use by the Department of Agriculture and Consumer Services as a citrus budwood grove, for suitable property together with improvements of equal or greater value which will allow continuation and expansion of the budwood program.

Under the terms of the agreement the 49½ acres in Section 7, Township 26 South, Range 27 East, Polk County, will be exchanged for other land selected by the Department. The appraisal of the 49½-acre tract of land has been reviewed and approved by the staff appraiser.

The Department of Agriculture and Consumer Services recommends the agreement to exchange as being in the public interest.

The staff recommends in principle the proposed land exchange.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner, that the proposed land exchange be approved in principle.

In response to questions of the members, Mr. Kuperberg stated that there had been agreement on a parcel of land since preparation of the agenda item, that the Department of Agriculture would acquire more land and was willing to make an exchange provided the department would benefit, that both appraisals are current.

Mr. O'Malley pointed out that he had no information as to the land to be exchanged or the appraisals. The Director assured him that facts and figures would be brought back to the Board and the matter was on the agenda today only to get an indication from the members that an exchange would be considered.

Without objection, action was deferred for two weeks.

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PALM BEACH COUNTY - Road Right of Way
(August 18, 1972)

Placed on the agenda at the request of the Governor's Office.

APPLICANT: Department of Transportation

REQUEST: Conveyance of title to a 12.62-acre parcel to the Palm Beach County Board of Public Instruction in connection with construction of State Road 9 (I-95).

LOCATION: 12.62 acres in SW¼ of Section 13, Township 47 South, Range 42 East, Palm Beach County and a part of the Florida Atlantic University campus. (DOT Parcel No. 607.1)

The Department of Transportation in acquiring right of way for I-95 found it necessary to acquire a portion of the Boca Raton High School campus which is improved by the school's athletic field. In order to reimburse the high school with additional

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land as required by Federal Department of Transportation regulations, this 12.62-acre parcel on the university campus and adjacent to the high school was selected for the purpose and appraised for \$90,000.

Staff appraiser has reviewed and approved the appraisal submitted by the Department of Transportation.

To assist the Department in its acquisition of lands necessary to proceed with the construction of I-95, it is recommended that the Board execute a deed conveying the 12.62 acres to the Palm Beach County Board of Public Instruction for public purposes only and forward deed to the Department of Transportation for exchange of deeds with the school board subject to disbursement of funds in accordance with the opinion of the Attorney General concerning the interest of the Board of Trustees and of the Board of Regents.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Shevin and passed without objection, the staff recommendations were accepted as the action of the Trustees.

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ST. Lucie County - Channel Maintenance Dredging
(June 19, 1972)

The Board of Commissioners of the Fort Pierce Port and Airport Authority in meeting on June 13, 1972, adopted Resolution No. 72-8 which sets forth the Boards' efforts to obtain a spoil area to accommodate the material to be removed in scheduled maintenance dredging in the existing channel and turning basin.


A portion of the material is suitable and will be placed on the South Beach in connection with the erosion control program. Due to the distance involved and the character of the material, it is not feasible to place all of the spoil on the beach. Certain state and federal agencies, including the Florida Game and Fresh Water Fish Commission and the Federal Bureau of Sports Fisheries and Wildlife have objected to the use of the publicly owned spoil area. The only available spoil area is privately owned. The owner is agreeable to allowing approximately 100,000 cubic yards of material to be deposited on his property. Since he has no present need for such fill, he is not willing to pay for it.

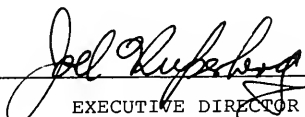
The Board requests waiver of the 50 cents per cubic yard charge for material to be placed on privately owned uplands by the Corps of Engineers or its agents or contractors.

Members of the Board of Commissioners of Fort Pierce Port and Airport Authority are expected to be present to make its request directly to the Board of Trustees.

ACTION OF THE TRUSTEES:

On the request of Governor Askew, consideration by the Board was deferred for two weeks.


GOVERNOR - CHAIRMAN


EXECUTIVE DIRECTOR

* * * *

October 31, 1972

Tallahassee, Florida
November 14, 1972

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer

Joel Kuperberg	Executive Director
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The Board deferred approval of the minutes of October 31, 1972.

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OKALOOSA COUNTY - Murphy Act Land Sale (Hardship Act)

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved the staff recommendation to convey the interest of the State of Florida in 20 acres of land described as the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ in Section 2, Township 2 North, Range 22 West, Okaloosa County, to W. O. Bowden and Mary Lee Bowden under provisions of Section 197.355, Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act) for not less than \$10 per acre or \$200 following the established policy.

However, as only four members were present, Mr. O'Malley made a motion, seconded by Mr. Stone, to reconsider and to defer action until five members were present to consider disposition of land. The motion passed without objection.

-3-

WAKULLA COUNTY - Murphy Act Conveyance

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees approved the staff recommendation to convey to Wakulla County under Section 197.350 without advertisement and public sale, Lots 12 and 17, Block D, Town of Crawfordville, for the appraised price of \$1,500.

However, as only four members were present, Mr. O'Malley made a motion, seconded by Mr. Stone, to reconsider and defer action until five members were present to consider disposition of the land. The motion passed without objection.

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ESCAMBIA COUNTY - Geophysical Survey

APPLICANT: Geophysical Service, Inc.
New Orleans, Louisiana

REQUEST: Permission to conduct a seismic survey using air gun method without use of explosives.

LOCATION: Perdido Bay, north of U.S. Highway 98, and approximately 6 miles up the Perdido River in Escambia County.

The Game and Fresh Water Fish Commission has reviewed this request and offers no objections to the project. The Department of Natural Resources on October 17 considered the issuance of Geophysical Permit No. 117 for this project.

November 14, 1972

Recommend granting Geophysical Service, Inc., permission to conduct the survey.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees granted permission for Geophysical Service, Inc., to conduct the survey as described.

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ESCAMBIA COUNTY - Advertise for Oil and Gas Lease
(June 29, 1972)

APPLICANT: Humble Oil and Refining Company
by G. Thomas Smith
Post Office Box 12091, Pensacola, Florida

REQUEST: Advertise for bids for an oil and gas drilling lease.

LOCATION: The state land underlying and surrounding Stone Lake in Section 12, Township 5 North, Range 31 West and Section 7, Township 5 North, Range 30 West, containing 244 surface acres and 234 net mineral acres in Escambia County.

INTEREST

OF STATE: The Trustees hold fee title to this tract which is leased to the Game and Fresh Water Fish Commission for its use and benefit. The Trustees hold full mineral interest in all of the 244 acres except the N½ of NE¼ of SE¼ of Section 12, where an undivided one-half interest in the minerals is held by other parties. Proceeds from this lease will go to the Game and Fresh Water Fish Commission.

The Game and Fresh Water Fish Commission has reviewed and approved offering the state land under and surrounding Stone Lake for an oil and gas drilling lease provided the Commission reviews and consents to issuance of any drilling permit applied for on the land surrounding the lake, and reviews bids received prior to award being made.

The request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term lease with annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one test well every 2½ years drilled to 6,000 feet or to a depth sufficient to test the Norphlet Sands, with the right reserved by the Game and Fresh Water Fish Commission to review or disapprove the drilling of any wells proposed on the leased land surrounding the lake.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees authorized advertising for sealed bids for an oil and gas lease as recommended by the staff.

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SANTA ROSA COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Continental Oil Company
by Donald E. Harris
Post Office Box 51266, OCS
Lafayette, Louisiana 70501

REQUEST: Consideration of Oil and Gas Lease Bids

November 14, 1972

LOCATION: Those portions of State Road 10 (U.S. No. 90) and Interstate 10 lying in Sections 25, 26, 27, 34, 35, and 36 Township 2 North, Range 27 West, Santa Rosa County, containing a total of 285 surface acres (285 net mineral acres).

INTEREST
OF STATE: Department of Transportation holds a full interest in the petroleum, and proceeds from this lease will go to that department.

The lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/6 royalty and at least one test well every 2½ years drilled to 6,000 feet or to a depth sufficient to test the Morphet Sands, whichever is deeper. Well drilling operations are prohibited on the road rights of way.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and The Press-Gazette with bids to be opened at 10:00 A.M. (EST) on November 14, 1972, for consideration by the Trustees. The right to reject any or all bids is reserved.

ACTION OF THE TRUSTEES:

Mr. James T. Williams, of Trustees Land Records Division, informed the Trustees that two sealed bids had been received. He read into the record the following bids:

Continental Oil Company, total bid \$14,623.35

Amoco Production Company, total bid \$ 7,200.00

As only four members were present, Mr. Williams recommended that consideration of the bids and award of the lease be deferred until the next meeting. It was so ordered.

-7A-

CLAY COUNTY - Application for Quitclaim,
File No. 2475-10-253.12(6)

As only four members were present, the Board deferred until the next meeting the consideration of an application from St. Johns Associates, Limited, represented by Walter N. Vance, III, for a quitclaim deed pursuant to provisions of Section 253.12(6) Florida Statutes, to a parcel of filled sovereignty land in the St. Johns River abutting Section 44, Township 4 South, Range 26 East, Clay County.

-7B-

CLAY COUNTY - Dredge and Fill Permit No. 10-31-0069

As only four members were present, the Board deferred until the next meeting the consideration of an application from St. Johns Associates, Limited, to dredge from an existing boat basin, replace a bulkhead, reclaim land lost by avulsion in accordance with the provisions of Section 253.124(8) Florida Statutes, and to repair an existing dock in Section 21, Township 4 South, Range 26 East, Doctor's Inlet, Clay County.

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-8A-

CLAY COUNTY - Bulkhead Line
(August 25, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Approval of the bulkhead line established by
Clay County along the approximate mean high water
line of Governor's Creek.

LOCATION: Section 37, Township 6 South, Range 26 East,
Thomas Travers Grant, Clay County.

MATERIAL: Not applicable

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners of Clay County
established the bulkhead line on June 27, 1972.

Staff recommends approval of the bulkhead line.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed
without objection, the Trustees approved the bulkhead line
established by the Board of County Commissioners of Clay
County by resolution adopted on June 27, 1972.

-8B-

CLAY COUNTY - Construction and Fill Permit No. 10-10-0158
(August 25, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To construct a boat ramp on the southwest bank of
Governors Creek in Green Cove Springs and place
approximately 450 cubic yards of fill during construction.

LOCATION: Section 37, Township 6 South, Range 26 East,
Thomas Travers Grant, Clay County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners of Clay County issued
Fill Permit on June 27, 1972.

Staff recommends issuance of Permit No. 10-10-0158.

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ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees authorized issuance of the construction and fill permit.

The Director stated that the staff had made much progress in working with the Department of Transportation on environmental problems, and was pleased with the cooperation received.

-9-

MARION COUNTY - Construction Permit No. 42-30-0074
(June 29, 1972)

APPLICANT: City of Dunnellon
Dunnellon, Florida 32630

PROJECT: To expand an existing city recreation area on the Rainbow River at the Withlacoochee River and construct a pier and install water slides and life lines in swimming area.

LOCATION: Section 35, Township 16 South, Range 18 East,
Rainbow River, Marion County.

MATERIAL: No dredging or filling indicated.

PAYMENT: Waiver of fee has been requested.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of construction permit 42-30-0074 and waiver of fee, as the project is for a public purpose.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved issuance of the construction permit without fee for the public project.

-10-

NASSAU COUNTY - Right of Way Easement File No. 2481-45-253.03

As only four members were present, the Board deferred until the next meeting the consideration of an application from the Department of Transportation for an easement for highway and bridge construction across the Amelia River (Kingsley Creek) abutting Section 46, Township 2 North, Range 28 East, Nassau County.

-11-

OKALOOSA COUNTY - Construction Permit and Marina License
No. 46-30-0129

The application from Diamondhead Manufacturing, Inc., had been taken up on the agenda of October 31, and was approved on that date.

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-12-

OKALOOSA COUNTY - Dredge and Fill Permit No. 46-21-0100
(August 1, 1972)

APPLICANT: Shalimar Yacht Basin, Inc., Dr. R. P. Maxon
Post Office Box 784, Shalimar, Florida

PROJECT: To dredge a cut through a sand bar and construct
a retaining wall.

LOCATION: Lake Como in Section 6, Township 25 South, Range
23 West, Okaloosa County.

MATERIAL: 90 cubic yards.

PAYMENT: Not applicable as material will be removed from
privately-owned submerged lands.

STAFF

REMARKS: Field Operations - No objections.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Project revised
to meet the objections of Department of Natural
Resources.

Game and Fresh Water Fish Commission - Minimal
damage to the limited marine life of the area would
be incurred from this proposal provided the control
of siltation to the nearby bay environment is imple-
mented during dredging operations. Rubble material
should be placed along the base of the proposed
restraining wall to offer a protective habitat for
small marine life while preventing erosion of the
adjacent shoreline.

Department of Pollution Control - No objection.

Staff recommends approval of Permit No. 46-21-0100 with the
stipulation that riprap be placed at the base of the retaining
wall.

ACTION OF THE TRUSTEES:

Mr. Kuperberg requested that the following words be added
to the staff recommendation: "and that appropriate turbidity
control measures be taken."

On motion by Mr. Stone, seconded by Mr. Dickinson and passed
without objection, the Trustees approved the amended staff
recommendation for approval of the permit subject to the
stated stipulations.

-13-

ST. JOHNS COUNTY - Bulkhead Line

At the request of Mr. Dexter Douglass, attorney for the appli-
cant, the Board deferred for two weeks the consideration of
the application of the Florida School for the Deaf and the Blind
for approval of a bulkhead line in Section 7, Township 7 South,
Range 30 East, Hospital Creek in St. Johns County.

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-14-

ST. LUCIE COUNTY - Construction Permit No. CP-2170
(August 10, 1972)

APPLICANT: Fort Pierce Construction Corp.
Suite 105, 701 North Lane Boulevard
North Palm Beach, Florida 33408

PROJECT: To change name of permittee on a current construction permit issued to Real Estate Capital Corp., 1166 Bay Shore Drive, Fort Pierce, Florida, to Fort Pierce Construction Corp., Suite 105, 701 North Lane Boulevard, North Palm Beach, Florida.

LOCATION: Section 1, Township 35 South, Range 40 East, St. Lucie County.

MATERIAL: None.

PAYMENT: \$100 received from original applicant

STAFF
REMARKS: Field Operations - Not applicable.

ECOLOGICAL
RESPONSES: Not applicable.

OTHERS: Fort Pierce Construction Corp. has purchased all right, title and interest in and to the lands of the original permittee, Real Estate Capital Corp.

Staff recommends issuance of CP-2170 in the name of Fort Pierce Construction Corp.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley and passed without objection, authorizing issuance of the construction permit in the name of Fort Pierce Construction Corporation.

-15-

DADE COUNTY - Construction Permit No. 13-12-0021
(September 29, 1972)

APPLICANT: Metropolitan Dade County
Department of Housing and Urban Developemnt
Box 250, Riverside Station, Miami, Florida 33135

PROJECT: To reconstruct an existing bulkhead after outfalls have been placed through it. Pipe will not extend past bulkhead, therefore, no sovereignty land is involved.

LOCATION: Section 34, Township 53 South, Range 41 East.

MATERIAL: None involved.

PAYMENT: None required.

STAFF
REMARKS: No objections.

ECOLOGICAL
RESPONSES: Department of Natural Resourcess - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

OTHERS: Central and Southern Florida Flood Control District - No objections.

Staff recommends issuance of Construction Permit No. 13-12-0021.

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ACTION OF THE TRUSTEES:

On motion made by Mr. Dickinson, seconded by Mr. O'Malley and passed, with Mr. Stone voting "No", issuance of the construction permit was approved.

-16-

PALM BEACH COUNTY - Fill Permit No. 253.124(8)-261

APPLICANT: Stanley Weaver, Curtis Weaver and Ray Lewis
c/o Adair and Brady, Inc.
Post Office Box 967
Lake Worth, Florida 33460

PROJECT: To construct a seawall at approximately the line of mean high water.

LOCATION: Section 22, Township 45 South, Range 43 East, Lake Worth, Palm Beach County.

MATERIAL: Fill will be obtained from upland sources.

PAYMENT: Not applicable.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Suggests riprap be placed just offshore from the bulkhead to provide habitat for marine animals and to dissipate rather than reflect wave energy.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Area Planning Board of Palm Beach County - No objection.

Staff recommends issuance of Permit 253.124(8)-261 subject to the recommendation of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. O'Malley and passed without objection, authorizing issuance of the permit subject to the recommendation of the Department of Natural Resources.

-17-

PASCO COUNTY - Fill Permit No. 253.124-277
(August 16, 1972)

APPLICANT: William F. Grey
c/o Casson Engineering Co.
Post Office Box 1348
New Port Richey, Florida 33552

PROJECT: To construct a seawall and back-fill with material obtained from upland sources.

LOCATION: Section 32, Township 25 South, Range 16 East, Pithlachascotee River, Pasco County.

MATERIAL: To be obtained from upland sources.

PAYMENT: Not applicable as sovereignty land not involved.

STAFF
REMARKS: Field Operations - No objections.

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ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed fill and seawall construction should have very limited adverse effects on marine life. The placement of riprap in front of the proposed seawall would provide a site for marine growth and also help dissipate wave energy.

Continued construction of seawalls along the Pithlachascotee River precludes the natural growth of intertidal vegetation and should not be generally encouraged.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

- OTHERS: 1. City of New Port Richey issued permit.
2. Southwest Florida Water Management District issued permit.

Staff recommends issuance of Permit No. 253.124-277 subject to the stipulation that riprap be placed in front of the proposed seawall.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the permit was approved subject to the placement of riprap as recommended by the Department of Natural Resources.

-18-

SARASOTA COUNTY - Dredge Permit No. 253.123-1151
(May 25, 1972)

APPLICANT: Charles C. Puffer
520 Bayshore Drive
Osprey, Florida

PROJECT: To dredge an offshore turning basin 20 feet wide x 30 feet long by 3 feet deep and to dredge an upland boat basin 20 feet wide x 30 feet long by 3 feet deep.

LOCATION: Section 10, Township 38 South, Range 18 East, Sarasota County.

MATERIAL: Approximately 70 cubic yards will be removed.

PAYMENT: Check for \$70.00 has been tendered.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - We recommend that the applicant construct and utilize a dock facility as his neighbors to the north and south have done.

Department of Pollution Control - No objection.

OTHERS: Sarasota County - No objection.

Staff recommends issuance of Dredge Permit No. 253.123-1151.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, issuance of the dredge permit was approved.

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-19-

DADE COUNTY - Assignment of Lease No. 2139-A.

As only four members were present, the Board deferred consideration of the request of Martin Woolin, holder of Campsite Lease No. 2139A, for assignment of the lease to Nat Ratner.

-20-

BAY COUNTY - Marina License Permit No. ML-9, Renewal
(October 16, 1972)

APPLICANT: Miracle Strip Yacht Basin
6501 West Highway 98
Panama City, Florida 32401

PROJECT: To renew Marina License No. ML-9

LOCATION: Section 34, Township 40 South, Range 43 East,
St. Andrews Bay, Bay County.

MATERIAL: None.

PAYMENT: Annual fee of \$570.00 has been received.

ECOLOGICAL

RESPONSES: Not applicable.

Staff recommends renewal of Marina License No. ML-9.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees approved renewal of Marina License No. ML-9 as recommended.

-21-

BAY COUNTY - Marina License Permit No. ML-30, Renewal
(May 10, 1972)

APPLICANT: Clyde D. Weber
1217 Branda Vista Drive
Brandon, Florida 33511

PROJECT: To renew Marina License No. ML-30.

LOCATION: Section 24, Township 4 South, Range 14 West, Bay County.

MATERIAL: None.

PAYMENT: \$103.80 annual fee received.

ECOLOGICAL

RESPONSES: Not applicable.

Staff recommends renewal of Marina License No. ML-30.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees approved renewal of Marina License No. ML-30 as recommended.

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-22-

VOLUSIA COUNTY - Marina License Permit No. ML-10, Renewal
(October 16, 1972)

APPLICANT: City of South Daytona
Post Office Box 4220
South Daytona, Florida 32021

PROJECT: To renew Marina License No. ML-10.

LOCATION: Section 33, Township 15 South, Range 43 East, Volusia
County.

MATERIAL: None.

PAYMENT: Waived.

ECOLOGICAL
RESPONSES: Not applicable.

Staff recommends renewal of Marina License No. ML-10.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed
without objection, the Trustees approved renewal of Marina
License No. ML-10 without charge as recommended.

-23-

DUVAL COUNTY - Commercial Dock Permit No. 16-30-0118
(September 15, 1972)

APPLICANT: Amerada Hess Corporation
c/o Harbor Engineering Company
1615 Huffingham Lane
Jacksonville, Florida 32216

PROJECT: To extend an unloading dock and construct four
mooring dolphins.

LOCATION: Section 24 of Section 46, Township 1 South, Range 27
East, St. Johns River, Duval County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

Staff recommends issuance of Permit No. 16-30-0118.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed
without objection, the Board authorized issuance of the
commercial dock permit to Amerada Hess Corporation.

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-24-

VOLUSIA COUNTY - Dredge Permit No. 253.123-1183

At the request of Mr. William J. Roberts, attorney for the applicant, the Trustees deferred consideration of the application of O. E. Ormand to dredge two canals connecting to an existing basin and canal and to the St. Johns River in Sections 19 and 30, Township 15 South, Range 28 East, in Volusia County.

-25-

HILLSBOROUGH COUNTY - Dredge Permit No. 29-24-0115

At the applicant's request, the Board deferred consideration of the application of Benton and Company, Inc., to dredge dead shell from submerged lands owned by Tampa Port Authority in Tampa and Hillsborough Bays in Hillsborough County.

-26-

HILLSBOROUGH COUNTY - Dredge Permit No. 29-24-0114

At the request of the applicant, the Board deferred consideration of the application of Bay Dredging and Construction Company to dredge dead shell from submerged lands owned by Tampa Port Authority in Tampa and Hillsborough Bays in Hillsborough County.

-27-

ESCAMBIA COUNTY - Request for Extension of Permit No. 253.123-397
(November 20, 1969)

APPLICANT: Westinghouse Electric Corporation
Box 791, Pensacola, Florida 32502

PROJECT: To dredge a 200 feet x 200 feet turning basin and a channel 10 feet deep, 100 feet wide and 4000 feet long.

LOCATION: Section 6, Township 1 South, Range 29 West,
Escambia Bay, in Escambia County.

STAFF
REMARKS: The applicant has been unable to proceed with the work authorized under this permit because of delays involved in obtaining the Corps of Engineers permit, and has requested a three months' extension of time.

Staff recommends extension of Permit No. 253.123-397 until March 15, 1973, to coincide with expiration date of a valid Corps of Engineers permit (dredging limited by Corps to winter season).

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained that the original staff recommendation was made prior to a decision by the Corps of Engineers. He requested that the recommendation be changed because of an agreement between the applicant and the Corps that the dredging would be done in the winter time when there is minimal damage. To conform with the Corps' stipulation, staff recommendation was changed to allow extension until March 15, 1973, to coincide with the expiration date of a valid Corps of Engineers permit.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved the amended staff recommendation.

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-28-

LEE COUNTY - Dredge and Fill subdivision

The request from Palm Acres Incorporated to make a presentation to the Board of Trustees on alleged violation by dredge and fill activities in the Caloosahatchee River was deferred for two weeks at the request of the attorney for the firm.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the rules were waived for consideration of all the following applications that were added to the original agenda.

-29-

Without objection, the minutes of October 17 were approved as submitted.

-30-

Copies of this agency's 1973-74 budget were distributed to the board members for review on November 2, 1972.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed with Governor Askew abstaining, the Board approved the 1973-74 Legislative Budget request to allow formal submittal to the Department of Administration.

-31-

Request for extension of the 120 day processing period.

Processing of the following applications has not been completed. Additional information has been requested from the applicants by the Department of Pollution Control, but has not yet been provided by the applicants.

1. Arvida Corporation
File No. 58 & 41-31-0064
Sarasota and Manatee Counties
2. Woodside Associates
File Nos. 50-20-0049 and 50-30-0050
Palm Beach County
3. Homer H. Spivey
File No. 59-20-0062
Seminole County
4. Manatee County Port Authority
File No. 41-21-0063
Manatee County
5. Can Do, Inc.
File No. 16-21-0034
Duval County

Staff recommends a 60 day extension of the processing period for these applications.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone and seconded by Mr. O'Malley to accept the staff recommendation for 60-day extension.

Governor Askew stated that action was not required on this notification. He expressed appreciation for having the matter brought to the Board's attention and for the efforts of the Executive Director of the Trustees to move along very well under the new application processing policy.

The Governor pointed out that under the federal law, the Department of Pollution Control had a year to react on many applications and their cooperation had been very good. The Director added that the applicants were holding up completion of the processing in these cases.

-32-

LAKE COUNTY - Dredge and Construction Permit No. 35-30-0084
(September 1, 1972)

This application is on the agenda of November 14 at the request of the State Treasurer.

APPLICANT: Colonial Penn Communities, Inc.
c/o Sydney Adler
Post Office Box 8512
Bradenton, Florida 33507

PROJECT: To construct a bridge across the Palatlahaka River and to excavate an upland area parallel to and adjacent to the Palatlahaka River for a marina site.

LOCATION: Section 11, Township 20 South, Range 24 East, Palatlahaka River, Lake County.

MATERIAL: 61,364 cubic yards from privately-owned submerged lands and uplands.

PAYMENT: Not applicable as sovereignty lands are not involved.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: 1. Southwest Florida Water Management District - Approves construction of the bridge.
2. Central and Southern Florida Flood Control District - No objections.

Staff recommends issuance of Permit No. 35-30-0084.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the permit.

Before considering the applications by Deltona Corporation in items 33 and 34, it was agreed that while only four members of the Board of Trustees were present, this would not be disposition of land. Staff attorneys present at the meeting pointed out that the land conveyance in the articles of agreement was a conveyance from the applicant.

Mr. Kuperberg asked that item 37 be considered before proceeding with items 33 and 34.

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-37-

COLLIER COUNTY - Dredge-Fill Permit To Improve Upland
No. 253.123-51, Issued June 16, 1970
Expiration December 31, 1972.

APPLICANT: Marco Island Development Corporation (Deltona Corporation).

LOCATION: Roberts Bay permit area, Smokehouse Creek, between Big Marco Island and Maynard Key, Section 20, Township 52 South, Range 26 East, according to the Carl Johnson Survey.

Field Operations Division reports that fill has been placed across Smokehouse Creek connecting Marco Island to Maynard Key. Permit drawings indicate that the area filled is an area permitted to be dredged. The approximate dimensions of the unauthorized fill are 50 feet x 275 feet, 3,400 cubic yards.

Representatives of the Trustees' Staff, Game and Fresh Water Fish Commission, Department of Pollution Control, and Department of Natural Resources met to discuss the alleged violation. The consensus of the representatives is to recommend that the Trustees request immediate removal of the unauthorized fill.

It has also been reported by Field Operations that extensive excavation is taking place in Sections 26 and 35, Township 51 South, Range 26 East, north of Unknown Bay.

The ground elevation in this mangrove area appears close to the mean high water line. No development plan or topographic survey of the area indicating the line of mean high water has been filed with Trustees' Staff.

Staff recommends that the Trustees require:

- (1) Removal of the unauthorized fill.
- (2) That a master plan of proposed development be submitted covering the undeveloped lands east of State Road 951 before any further work is done in the subject area.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the members should be aware of two problems that the staff had investigated last week. One was a technical violation of the permit, a fill for the purpose of doing the authorized work, and the company had agreed to remove the fill.

The other problem concerned an area east of Marco Island in an unplatted area. The company was constructing an airport runway with the work moving ever closer to open water - not a violation but heading in a direction that might become a violation. Mr. Kuperberg said research of the files had not disclosed the letter that the company claimed had been filed to inform the Trustees of their construction plans in this area, the runway in particular.

Motion was made by Mr. Stone, seconded by Mr. Dickinson and passed without objection, to approve the staff recommendation for requiring (1) removal of the unauthorized fill and (2) submission of a master plan of proposed development covering the undeveloped lands east of State Road 951 before any further work is done in the subject area.

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-33 & 34-

COLLIER COUNTY - Dredge and Fill Permit No. 253.123-1023
and 253.124 - Agenda Item 33
(November 1, 1972)

APPLICANT: Deltona Corporation
Post Office Box 280, Miami, Florida 33129

PROJECT: To dredge numerous navigation and upland canals
and to place fill material in the areas designated
on the sketch furnished.

LOCATION: John Stevens Creek, Marco River and Big Key Bay,
Sections 9, 10, 11, 12, 13, 14 and 15, Township
26 South, Range 52 East, according to the Carl E.
Johnson Survey.

MATERIAL: 3,000,000 cubic yards to be removed from outside
bulkhead line and 4,300,000 cubic yards to be
removed from inside the bulkhead line.

PAYMENT: None. State-owned sovereignty lands not involved.

COLLIER COUNTY - Dredge and Fill Permit No. 253.123-1022
and 253.124 - Agenda Item 34
(November 1, 1972)

APPLICANT: Deltona Corporation
Post Office Box 280, Miami, Florida 33129

PROJECT: To dredge numerous navigation and upland canals and
to place fill material in the areas designated on
the sketch furnished.

LOCATION: Barfield Bay, Blue Hill Creek and Blue Hill Bay
in Sections 10, 13, 14, 15, 16, 21, 22, 23 and
24, Township 26 South, Range 52 East according to
the Carl E. Johnson Survey.

MATERIAL: 5,700,000 cubic yards of material to be removed
from outside the bulkhead line and 4,200,000 cubic
yards of material to be removed from inside the
bulkhead line.

PAYMENT: None. State-owned submerged lands not involved.

ECOLOGICAL
RESPONSES: Department of Natural Resources - This project
(33 & 34) will have massive and permanent adverse effects
on marine biological resources.

Bureau of Beaches and Shores - The proposed project,
however, proposes incredibly high canal densities
in areas with small receiving bodies of water which
have low velocities. The hydrographic report does
not adequately show that the proposed work will not
have serious detrimental effects on the area.

Game and Fresh Water Fish Commission - The biological
ramifications of this project are of such magnitude
that we have no alternative other than to recommend
against this project because of the destruction of
biological resources that would result.

Department of Pollution Control - Reports that appli-
cant filed request for certification on October 13,
1972. Review of this massive project has not yet
been completed.

Staff recommends execution of the Article of Agreement and issuance
of Permit 253.124 and 253.123-1023 and Permit No. 253.124 and
253.123-1022.

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ACTION OF THE TRUSTEES:

As items 33 and 34 were similar, Mr. Kuperberg said the staff comments could apply to both, that the matter had received a great deal of consideration by the Trustees and was approved in principle on October 21, 1971, subject to the necessary biological reports being conducted and filed under provisions of Chapter 253. In addition to the Department of Natural Resources report required under Chapter 253, the Board by policy decision required comments of the Game and Fresh Water Fish Commission and the Department of Pollution Control. The Director said it was no surprise to anyone that the biological studies were adverse and it became a value judgment for the Trustees.

Mr. Kuperberg recommended that, having considered the reports of the several agencies of state government concerned with environmental affairs, the Trustees execute the Articles of Agreement and issue Permit 253.124 and 253.123-1023 in agenda item 33, and Permit 253.124 and 253.123-1022 in agenda item 34, which are the permits required to do the work on the main island of Marco Island only.

Mr. O'Malley asked for deferral to permit him to review it more thoroughly and to have a full cabinet present to resolve a matter of such consequence.

Governor Askew approved deferral but pointed out that as the time for signing the agreement had run out, there should be indication from Deltona on the extension of time until November 29.

Mr. Jack Peeples, general counsel of Deltona Corporation, said the company would grant the additional extension at the request of the Governor, and he would file a letter with the staff to that effect. He commented that at the request of the staff there had been two previous deferrals, that delays were causing very real problems, and his client would work with the staff to avoid further delay.

Without objection, action was deferred until November 29, 1972.

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POLK COUNTY - Land Exchange

At the request of the Department of Agriculture and Consumer Services, the Trustees deferred consideration of a land exchange agreement involving 49½ acres of state-owned land in Section 7, Township 26 South, Range 27 East, Polk County, in use as a citrus budwood grove.

-36-

DADE COUNTY - Interama Authority and Dade County

REQUEST: Approval of the Board of Trustees under Section 554.33, Florida Statutes, of conveyances from Interama to Dade County.

Dade County and the Interama Authority seek an affirmative answer to the following questions or, in the alternative, approval of the Trustees in the event the answer is in the negative.

Is a conveyance of lands from Interama to Dade County consistent with the development of a cultural and trade center as contemplated by Section 554.33, F. S., as amended by Chapter 72-121, Laws of Florida, where the proposed conveyance is:

- (a) Three acres for the establishment of a police substation and a fire substation? (Exhibit B)

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- (b) Eighty acres for the establishment of an environmental control facility? (Exhibit C)
- (c) Four hundred acres (more or less) in satisfaction of obligations incurred by Dade County resulting from the guaranty of the payment of twelve million dollars in revenue bonds to be issued by Interama? (Exhibit D)

(Your attention is called to memorandum of November 10, 1972, as attached, and marked Exhibit A.)

STAFF RECOMMENDS:

- (1) Approval of the conveyance for police and fire substations. There is no question of inconsistency, however, Dade County and Interama request approval in the event of objections.
- (2) Approval of the conveyance for the establishment of the environmental control facility. In the absence of sufficient information the establishment of a sewer treatment facility in that area is inconsistent with the development of a cultural and trade center. However, staff is of the opinion that the overriding public interest will be served by such a facility to service Interama and North Dade County.
- (3) Disapproval of the corporation agreement in its present form. There are numerous public purposes more obnoxious than the use contemplated in item (b) without the overriding public need for their location in the area of Interama. In the absence of agreement to limit the usages which Dade County might make of land required, there is no protection against obnoxious public uses. If a list of potential uses is agreed upon and all are acceptable to the Trustees pursuant to the responsibility imposed upon them by Chapter 72-121, then the objections stated herein would not be applicable.

ACTION OF THE TRUSTEES:

Only four members were present and it was agreed that it would be desirable to have the full membership. Staff legal counsel was called on and Mr. Sherman Weiss advised that while the Trustees are required to approve the conveyance, title was held by Interama and there was no legal impediment to proceeding with a majority of the board present.

Dr. Elton J. Gissendanner explained that they thought the matter of consistency had been settled by the amendments to Chapter 554 passed by the Legislature, but because there was a difference of legal interpretation between Interama's counsel, the county attorney and the Trustees' attorney, the Interama Authority and Dade County were requesting approval by the Trustees. He indicated that delay would be a hardship.

Taking up the staff recommendations separately, motion was made by Mr. Stone, seconded by Mr. Dickinson and passed without objection, to approve conveyance of three acres for police and fire substation.

On the second recommendation, motion was made by Mr. Dickinson, seconded by Mr. O'Malley and passed, with Mr. Stone voting "No", that the Trustees approve the conveyance for the establishment of a sewer treatment facility.

Mr. O'Malley expressed some reluctance to using this location for a sewage treatment plant, but noted the staff had recommended it because of overriding public interest and Dade County had made the necessary determination. Mr. Kuperberg responded that the staff was concerned but was convinced that there was no other satisfactory site and this advanced type, closed facility would not be as offensive as traditional sewage treatment plants.

Mr. Stone questioned the site selection and felt there was no immediate urgency, as the county planned to study the site and the entire master plan for six months.

Dr. Gissendanner responded that the people in the area had accepted the site, that Florida International University and Interama needed it, that the plant there now had to be rebuilt and this was the only logical plan.

Mr. Dickinson said there must be facilities incident to the needs, the county had done excellent planning, and he endorsed it.

On a vote of three to one, the Trustees approved the conveyance for the establishment of an environmental control facility.

Addressing himself to the corporation agreement disapproved by the staff, Dr. Gissendanner discussed Interama in general, the financing and safeguards, and asked the Trustees to have confidence in the local officials. He felt that the staff objections were intended to protect the Trustees, but said that protection lies with the representatives of Dade County and Metro Commission and the agreement was now the heart of the project.

Commenting that he recognized the validity of the staff intent in recommending disapproval, Mr. O'Malley felt that Dr. Gissendanner's presentation had adequately overridden the objections and the Treasurer made a motion to approve the request, seconded by Mr. Stone who did express some concern but noted that if the project does not succeed the land would revert to Dade County and might become a very lovely park.

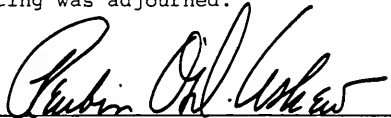
Governor Askew saw no need to itemize the prohibitions of public purposes, feeling that in the event Interama does not succeed the Dade County officials who were charged with making the decisions on use of the land would be just as sensitive to public needs as the Trustees.

The Governor noted that the motion was to disapprove the staff recommendation of the third item, and called for an affirmative motion.

A substitute motion was made by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, to approve the applicant's request for approval by the Trustees of the corporation agreement in its present form.

The Executive Director distributed to the members copies of a status report of permit applications received since July 5, 1972, under the new processing policy.

On motion duly adopted, the meeting was adjourned.



GOVERNOR

- CHAIRMAN

ATTEST:



EXECUTIVE DIRECTOR

* * * *

Tallahassee, Florida
November 29, 1972

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education

Joel Kuperberg

Executive Director

Action taken by the Board at the meeting was pursuant to unanimous vote of the members present, unless the contrary is specifically reflected in the minutes.

On motion by Mr. Christian, seconded by Mr. Shevin and adopted without objection, the rules were waived for consideration of all the applications added to the original agenda for this date, and addendum item 25 was taken up out of order in deference to Senator Alan Trask whose presence was acknowledged by the Governor.

-25-

POLK COUNTY - Land Exchange

Request consideration of an agreement to exchange a tract containing 49½ acres in use by the Department of Agriculture and Consumer Services as a citrus budwood grove, for suitable property together with improvements of equal or greater value which will allow continuation and expansion of the budwood program.

Under the terms of the agreement the 49½ acres in Section 7, Township 26 South, Range 27 East, Polk County, will be exchanged for other land selected by the Department. The appraisal of the 49½-acre tract of land has been reviewed and approved by the staff appraiser.

The Department of Agriculture and Consumer Services recommends the agreement to exchange as being in the public interest.

The staff recommends in principle the proposed land exchange.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said additional information had been received on this item that was deferred two weeks ago, and the staff recommended the proposed land exchange subject to the agreement which had been circulated to each member's office.

On motion by Mr. Stone, seconded by Mr. Shevin and passed without objection, the Trustees approved the proposed land exchange as recommended and the agreement to exchange was executed.

-1-

The Board deferred approval of the minutes of November 14, 1972.

November 29, 1972

-2-

Extension of the application processing period was approved at a previous meeting on November 14.

-3-

ALACHUA COUNTY - Road Right of Way Easement
(August 23, 1972)

APPLICANT: Board of County Commissioners of Alachua County
Gainesville, Florida

REQUEST: Easement for public road purposes

LOCATION: North 40 feet of west 26.625 chains of Lots 1
and 2, less west 50 feet in Section 9, all in
Township 10 South, Range 19 East, Alachua County.

Alachua County by resolution adopted June 20, 1972, requests an easement across the parcel occupied and in use as the radio transmitter station of WRUF west of Interstate 75 for construction of SW Eighth Avenue. The county has agreed to convey to the state a 2.75-acre parcel of land contiguous to the western boundary of the University campus. This parcel is presently being used for a borrow pit and sanitary land fill.

The Facilities Committee of the Board of Regents did on August 9, 1972, approve issuance of the requested easement.

Recommend issuance of the easement to the Board of County Commissioners of Alachua County for public road purposes.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the easement to the Board of County Commissioners of Alachua County for public road purposes.

-4-

COLLIER COUNTY - Fill Permit No. 11-12-0093
(July 28, 1972)

APPLICANT: Old Marco Apartments, Inc.
Raymond W. Miller, P. E.
Wilson, Miller, Barton, Soll, Inc.
Post Office Box 1468, Naples, Florida 33940

PROJECT: To place riprap along the outside of an existing
seawall to protect the seawall from erosion.

LOCATION: Section 5, Township 52 South, Range 26 East,
Big Marco Pass, Collier County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF REMARKS: Field Operations - No objections.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Placing riprap around the existing seawall should have only limited and temporary adverse effects on marine biological resources.

November 29, 1972

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Permit No. 11-12-0093.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the fill permit.

-5-

DADE COUNTY - Construction Permit No. CP-2196 and
Marina License ML-132
(May 3, 1972)

APPLICANT: Allen Bliss
3564 Crystal Court, Miami, Florida 33133

PROJECT: To construct a docking facility containing 1,280
square feet of submerged land in Biscayne Bay
abutting Section 39, Township 54 South, Range
41 East, Dade County.

LOCATION: Section 39, Township 54 South, Range 41 East,
Dade County.

MATERIAL: None.

PAYMENT: \$100 minimum annual fee received.

STAFF

REMARKS: Field Operations Division - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Construction Permit No. CP-2196
and Marina License ML-132.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the construction permit and marina license were approved.

-6-

FRANKLIN COUNTY - Artificial Reef Permit No. 253.03-309
(November 5, 1971)

APPLICANT: Carrabelle Chamber of Commerce
c/o Mr. L. E. Squires
Post Office Drawer DD
Carrabelle, Florida 32322

PROJECT: To construct an artificial reef at Latitude 29
degrees, 48 minutes North and Longitude 84 degrees,
38 minutes west.

LOCATION: St. George Sound at Dog Island, Franklin County.

MATERIAL: 1,500-2,000 automobile tires.

November 29, 1972

PAYMENT: None.

STAFF

REMARKS: Field Operations - No objections.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Construction of this artificial reef should provide useful habitat for marine life without interference with commercial fishing operations.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Note: Water depth at the reef site is approximately 20-25 feet mean low water and the reef will be constructed to a height of 3 feet above the natural bottom.

Staff recommends issuance of Artificial Reef Permit 253.03-309.

ACTION OF THE TRUSTEES:

The Director requested the correction of the word "nautical" to "natural" in the agenda.

On motion by Mr. Dickinson, seconded by Messrs. Stone and Christian, and passed without objection, the Trustees approved issuance of the artificial reef permit to the Carrabelle Chamber of Commerce.

-7-

MONROE COUNTY - Assignment Fish Camp Lease No. 735A

APPLICANT: Saul Jack Statham and Alice Margaret Statham
c/b/a Alabama Jack's Fishing Camp
Post Office Box 661
Homestead, Florida 33030

PROJECT: Saul Jack Statham and Alice Margaret Statham request assignment of Lease No. 735A to Howard J. Jacobs and Betty Karen Jacobs, his wife, c/o Robert W. Shaughnessy, 9730 Hibiscus Street, Perrine, Florida.

LOCATION: 0.930 acre, more or less, in the Southwest Quarter of Fractional Section 18, Township 59 South, Range 40 East, Monroe County.

MATERIAL: Not applicable.

PAYMENT: \$300 per month

STAFF

REMARKS: Instrument of assignment and acceptance of terms have been approved by staff legal counsel.

Applicants have tendered \$25 assignment fee in accordance with the Trustees' policy of December 1, 1970.

ECOLOGICAL

RESPONSES: Not applicable.

Staff recommends approval of Assignment of Lease No. 735A.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved assignment of Lease No. 735A as requested.

November 29, 1972

-8-

PALM BEACH COUNTY - Construction Permit & Marina License
No. 50-30-0227
(July 7, 1972)

APPLICANT: Palm Beach Yachting Association
Post Office Box 1911
West Palm Beach, Florida 33402

PROJECT: To construct a wave control pier and parking lot extension.

LOCATION: Section 15, Township 43 South, Range 43 East, Lake Worth, Palm Beach County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF
REMARKS: Field Operations - No objections provided runoff from the parking facility is returned to the uplands and not allowed to flow into natural waters.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

OTHERS: 1. Area Planning Board of Palm Beach County - No objection.
2. Port of Palm Beach - No objection.

Staff recommends issuance of Construction Permit and Marina License No. 50-30-0227.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the problem of water run-off was being worked out with the applicant.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the construction permit and marina license.

-9-

PASCO COUNTY - Dredge and Fill Permit No. 24663(774-51)-253.124
(June 19, 1972)

APPLICANT: Block "M" Incorporated
Route 4, Box 1908A, Hudson, Florida 33568

PROJECT: Dredge and fill submerged lands previously conveyed under Deed No. 24663(774-51) dated August 18, 1967.

On July 18, 1972, the Board of Trustees extended this permit for 60 days and again on September 6, 1972, the Board extended this permit until October 22, 1972.

On October 17, 1972, the Board extended this permit for another 60 days.

LOCATION: Section 33, Township 24 South, Range 16 East, Pasco County.

MATERIAL: 87,000 cubic yards to be excavated from privately owned submerged land.

November 29, 1972

PAYMENT: None. State owned submerged lands not involved.

STAFF

REMARKS: The Board of Trustees in meeting on July 22, 1969, approved the permit issued by Pasco County to Block "M" Incorporated, a non-profit corporation, to dredge and fill submerged land previously conveyed by the Board.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed dredging and filling of 12½ acres of grassy submerged lands would have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - Recommends denial.

Department of Pollution Control - Advised that comments would be submitted in lieu of issuing certification and suggested modifications for the project. The applicant has advised that these modifications are unacceptable.

Staff recommends that Permit No. 24663(774-51)-253.124 be extended for one year from the date of the U. S. Army Corps of Engineers permit. In no event shall the permit be valid beyond December 31, 1975. Further, staff recommends that the depths in the proposed canals shall be limited to -5 feet, mean low water, and that all additional material needed shall be hauled in from upland sources. Turbidity curtains shall be used to prevent or minimize siltation of surrounding areas.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that this was the staff recommendation for resolving an old problem that had been explained in detail when the applicant requested a hearing at a previous meeting.

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Trustees.

-10-

POLK COUNTY - Construction Permit No. 53-30-0222 and
Renewal of Marina License No. ML-43A
(October 30, 1972)

APPLICANT: Lake Development Company
c/o Nelson Steiner
8800 Sheldon Road, Tampa, Florida 33615

PROJECT: To renew ML-43A for one year and to construct one additional dock at an existing marina in Lake Gibson. The area of water column occupied by this addition is 384 square feet.

LOCATION: Section 25, Township 27 South, Range 23 East,
Polk County.

MATERIAL: None.

PAYMENT: \$100 annual fee received.

STAFF

REMARKS: Field Operations - No objections.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Deferred to
Game and Fresh Water Fish Commission.

November 29, 1972

Game and Fresh Water Fish Commission - No objection.
 Department of Pollution Control - No objection.

Staff recommends issuance of Construction Permit No. 53-30-0222 and renewal of ML-43A for one year.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of construction permit and renewal of the marina license for one year.

-11-

ST. LUCIE COUNTY - Marina License Permit No. ML-148
 (June 6, 1972)

APPLICANT: Outdoor Resorts of America
 c/o Mac Martin, Jr., G. W. Martin, Inc.
 201 North Federal Highway, Suite 107
 Deerfield Beach, Florida 33441

PROJECT: To correct scrivener's error in description of marina area to be occupied from 30,550 square feet to 30,994 square feet.

LOCATION: Section 3, Township 37 South, Range 41 East, St. Lucie County.

MATERIAL: None.

PAYMENT: \$611 previously submitted for 30,550 sq. ft. and an additional \$8.88 received for additional 444 sq. ft.

STAFF

REMARKS: Field Operations - Not applicable

ECOLOGICAL

RESPONSES: Not applicable.

Staff recommends approval of change in description of marina area.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees approved the change in the description of the marina area as requested.

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WALTON COUNTY - Construction Permit No. 66-30-0096
 (August 14, 1972)

APPLICANT: Lawrence S. Dull
 Route 1, Box 191H, Freeport, Florida 32439

PROJECT: To construct a boat ramp and dock.

LOCATION: Section 27, Township 1 South, Range 19 West, LaGrange Bayou, Walton County.

MATERIAL AND PAYMENT: Not applicable

STAFF REMARKS: Field Operations - No objections.

ECOLOGICAL RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Construction Permit 66-30-0096.

November 29, 1973

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the construction permit.

-13-

MARINA LICENSE RENEWALS

The required annual fees for renewal of the following marina licenses have been submitted.

Staff recommends renewal of each marina license for one year at the fee indicated.

	<u>Marina License</u>	<u>Licensee</u>	<u>Annual Fee</u>
1.	ML-4	Bill's Sailfish Marina, c/o William Bachstet, 98 - 104 Lake Drive, Palm Beach Shores, Riviera Beach, Florida 33404, Palm Beach County (October 18, 1972)	\$ 255.00
2.	ML-5	Sailfish Club of Florida, North Lake Trail, Palm Beach, Florida 33480 Section 3, Township 43 South, Range 43 East, Lake Worth, Palm Beach County (October 30, 1972)	\$1,896.30
3.	ML-6	Sunbeam Television Corporation 1401 - 78 Street Causeway, Miami, Florida 33138, Section 9, Township 53 South, Range 42 East, Biscayne Bay, Dade County (October 24, 1972)	\$ 100.00
4.	ML-7	Ronald Sinn, 2308 Avenue A, Riviera Beach, Florida, Section 28, Township 42 South, Range 43 East, Lake Worth, Palm Beach County (October 30, 1972)	\$ 128.69
5.	ML-17	City of Daytona Beach, Post Office Box 551, Daytona Beach, Florida, Section 39, Township 15 South, Range 33 East, Volusia County (October 19, 1972)	Fee waived
6.	ML-32	Sailfish Marina, Inc., c/o Arnon T. Ives, 2675 South St. Lucie Boulevard, Stuart, Florida 33494 Manatee Pocket of Indian River abutting uplands in the Hanson Grant near Port Salerno, Martin County (September 1, 1972)	\$ 752.00
7.	ML-44	Atlantic Drydock Corporation, Post Office Box 276, Fort George Island, Florida 32226, Section 26, Township 1 South, Range 28 East, Duval County (October 24, 1972)	\$ 185.60
8.	ML-45	Madeira Garden Apartments, Inc. c/o Hilborn, Werner, Carter & Associates 1630 South Myrtle Avenue, Clearwater, Florida 33576, Sections 3 and 4, Township 31 South, Range 15 East, Boca Ciega Bay, Pinellas County (October 31, 1972)	\$ 100.00

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9. ML-74 Department of Natural Resources,
Division of Recreation and Parks
Larson Building, Tallahassee, Section
20, Township 28 South, Range 15 East,
St. Joseph Sound at Caladesi Island
State Park, Pinellas County
(October 30, 1972) Fee waived
10. ML-75A General Development Corporation
111 South Bayshore Drive, Miami,
Florida 33131, Section 23, Township 37
South, Range 40 East, St. Lucie County
(October 25, 1972) \$4,693.32
11. ML-76 Sanford Boat Works and Marina, Inc.
c/o G. Andrew Speer, Post Office
Box 698, Sanford, Florida 32771, Section
27, Township 19 South, Range 31 East,
Seminole County
(October 24, 1972) \$ 251.34
12. ML-81 R. E. J. Investments, Inc.
c/o Auto Marine Engineers, Inc.
3464 NW North River Drive, Miami,
Florida 33142, Section 1, Township
54 South, Range 41 East, Miami River,
Dade County
(October 19, 1972) \$ 100.00
13. ML-90 Lauderdale Yacht Basin, Inc.
2000 Southwest 20 Street, Fort
Lauderdale, Florida 33315, Section 16,
Township 50 South, Range 42 East, South
Fork of New River, Broward County
(October 30, 1972) \$ 296.40
14. ML-98 Marlborough, Inc., Post Office Box
1427, LaGrange, Georgia 30240
Township 2 South, Range 23 West, East
Pass Lagoon, Okaloosa County
(October 26, 1972) \$ 572.34

ACTION OF THE TRUSTEES:

Mr. Christian made a motion, seconded by Messrs. Stone and Dickinson, to approve the renewals.

Mr. Shevin recalled that some time ago he had suggested review and increase of the current charge of two cents per square foot for lease of the water column. He suggested deferral as the staff would have new rules and regulations ready by about January, that would afford more revenue in these areas. He noted that some had already expired and the Director explained that each applicant had submitted a check in payment for a year's renewal, and each lease, if approved, would issue as of the date the old lease term ended.

Mr. Christian did not think a change should be made retroactive and that these renewals should be approved before adoption of new rules. Mr. Shevin agreed that they might proceed with the renewal on the agenda, but the board should extract a reasonable charge from everyone.

The Governor agreed that the fee should be revised to a more realistic amount and definitive recommendation should be presented as soon as possible so that in the next year approvals would be based on updated amounts.

Without objection, the motion by Mr. Christian to approve the renewals listed on the agenda was approved.

November 29, 1972

-14-

LEE COUNTY - Dredge Permit No. 253.123-1018
(April 27, 1972)

APPLICANT: Charles C. Bundschu, Jr.
1550 Carson Street, Ft. Myers, Florida 33902

PROJECT: To dredge a boat channel of 50 feet bottom width
and -5 feet depth to provide access to upland boat
facilities and canals.

LOCATION: Pine Island, Section 30, Township 43 South, Range
22 East, Lee County.

MATERIAL: 1,200 cubic yards of material to be removed.

PAYMENT: The applicant proposes to deed 6.4 acres of land
to the Trustees as payment for the material removed
from state-owned bottom lands.

STAFF

REMARKS: No objection to proposed project

ECOLOGICAL
RESPONSES:

Department of Natural Resources - Application has
been modified as suggested by this department.
Dredging should be by dragline with precautions
to prevent filling.

Game and Fresh Water Fish Commission - Recommends
that applicant limit development to the area above
the mean high water line and concurs with Depart-
ment of Natural Resources proposed relocation of
the access canal. Suggests planting mangroves
along the canals.

Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners of Lee County
authorized construction permit.

Staff recommends issuance of Permit No. 253.123-1018 upon
receipt of special warranty deed and subject to stipulations
of the environmental agencies. This includes the proposal
to plant mangroves agreed upon by the applicant and the
Game and Fresh Water Fish Commission.

ACTION OF THE TRUSTEES:

There was added to the recommendation the following: "This
includes the proposal to plant mangroves agreed upon by the
applicant and the Game and Fresh Water Fish Commission."

On motion by Mr. Christian, seconded by Mr. Stone and passed
without objection, the amended staff recommendation was
approved.

Secretary of State Stone suggested that consideration be given
to use of Trustees funds for planting mangroves and marsh grass
on state-owned lands that may have been damaged. The Director
responded that he favored such projects and the staff encouraged
that work in relation to permit applications, but the direct
responsibility was probably within the Department of Natural
Resources.

The Governor asked for a status report on the matter.

-23-

ST. JOHNS COUNTY - Bulkhead Line
(February 1, 1972)

APPLICANT: Florida School for the Deaf and the Blind
Post Office Box 1209
St. Augustine, Florida 32084

PROJECT: To establish a bulkhead line adopted by
St. Johns County by Resolution No. 2242 dated
January 10, 1972, encompassing 18.7 acres of
marsh and submerged land.

LOCATION: Section 7, Township 7 South, Range 30 East,
Hospital Creek, St. Johns County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations recommends denial; suggests
bulkhead line should be at mean high water.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The establishment
of this proposed bulkhead line and filling behind
it will have adverse effects on marine biological
resources.

Game and Fresh Water Fish Commission - Concurs
with Department of Natural Resources report.

Department of Pollution Control - Would not object
to establishment of a bulkhead line at or above
mean high water line.

- OTHERS: 1. Interagency Advisory Committee recommended that
bulkhead lines along these scenic rivers and
productive marshes should be set at the line of
mean high water line.
2. State environmental agencies recognize the desire
for expansion of the school's recreational area.
Meetings between school and state agencies, both
in Tallahassee and at the project site, failed to
produce any modification of the project that would
mitigate the significant damage to marine biological
resources.
3. Staff realizes that continued expansion of this
program will require additional land and will ultimately
require relocation to another area to provide for future
needs of this program. Staff feels that the future needs
site should be found now to take care of immediate as
well as future anticipated needs, thus preserving the
18.7 acres of productive lands.

Staff recommends denial of the bulkhead line application and that
the Trustees authorize staff to assist in locating an alternate
state lands site for the proposed recreation area and future space
needs.

ACTION OF THE TRUSTEES:

This application was taken out of order due to the presence
of Representative A. H. Craig of St. Augustine and other
interested parties.

Mr. Kuperberg said the bulkhead line request had been studied
on the site, that permit to dredge and fill will follow and
he did not think that 18 acres of productive marsh and shallow
water area should be developed but that another site might be
found for this school unit.

November 29, 1972

Commissioner of Education Christian pointed out the efforts for several years to improve this area for activities of the special students, the previous board approval, and that great delay, difficulty and expense would be encountered in trying to locate another site.

Mr. Dickinson, concurring with Commissioner Christian, said there was no denying the adverse biological aspects but there were extenuating circumstances here that the board might well consider.

Mr. Shevin suggested that action on the bulkhead line be withheld pending efforts to find some alternate site.

The Governor commented that relocation might be outside the province of the Trustees, that obviously this board had shown a tremendous concern regarding dredging and understood why the Director recommended against it, that obviously this project could not be justified environmentally but it might be an exception, a balancing of the equities.

Mr. Stone indicated that he would approve the bulkhead line provided that when a dredge permit is requested it can be shown there was a diligent effort for alternatives to filling. Mr. Christian responded that there had been intensive study of the needs of the deaf and blind children and sites were needed for housing many other deaf and blind school facilities.

Mr. Dexter Douglass, attorney, Chairman of the Board of Trustees of the Florida School for the Deaf and Blind, pointed out the legislative authorization in 1968 for this improvement on land purchased from private individuals, that the law provides for this school to be in St. Johns County and he objected to a suggestion to relocate, that other property in the area was not available because of high cost, and the work was the last phase of this campus.

On the basis that there are no alternatives, Mr. Shevin made a motion, seconded by Messrs. Dickinson and Christian and passed unanimously, to approve the bulkhead line as adopted by the Board of County Commissioners of St. Johns County in Resolution No. 2242.

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PINELLAS COUNTY - Dredge Permit No. 253.123-1175
(July 21, 1972)

APPLICANT: Indian Springs Development Corp.
c/o George Mallory
Post Office Box 717, Clearwater, Florida

PROJECT: To dredge a 200-foot diameter boat basin with a 100-foot wide access channel.

LOCATION: Sections 12 and 13, Township 30 South, Range 14 East and Section 7, Township 30 South, Range 15 East, Pinellas County.

MATERIAL: 3,000 cubic yards of material to be removed from sovereignty land.

PAYMENT: \$3,000 received as payment for fill to be removed from sovereignty land.

STAFF REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

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Game and Fresh Water Fish Commission - Since the boat basin and navigation canal destroy valuable habitat we recommend rejection of the permit because of biological damage which would occur.

Department of Pollution Control - No objection.

OTHERS: Pinellas County Water and Navigation Control Authority issued Permit No. DO-28.

Staff recommends issuance of Permit No. 253.123-1175.

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained that because of a change in the plan, only 3,000 cubic yards would be removed and \$3,000 was received in payment for the fill material.

Motion was made by Mr. Christian, seconded by Mr. Dickinson and Mr. Stone, and passed without objection, approving the amended application for dredge permit.

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A Request To Be Heard

LEE COUNTY - Alleged Violation

Palm Acres Incorporated
Post Office Box 3176, North Fort Myers, Florida 33933

PROJECT - Dredge and fill subdivision

LOCATION - Caloosahatchee River - Section 34, Township 45
South, Range 23 East, Lee County.

STAFF

REMARKS - Palm Acres Incorporated has apparently engaged in unauthorized dredge and fill activities. Field Operations is currently conducting surveys to determine the extent of any unauthorized activity. A preliminary conference has been held between Palm Acres Incorporated and the Trustees' staff. Palm Acres Incorporated has requested to be allowed to make a presentation to the Board of Trustees.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that Attorney Jack Rice, representing Palm Acres, Incorporated, requested a hearing (postponed on November 14) but the staff needed additional survey data on this area as a basis for a recommendation to the Board on a matter negotiated for over a year and on which a staff proposal for settlement was previously made and rejected by the firm. Operations had been stopped by the staff because the staff believed there should be a permit.

Governor Askew said the matter would be heard, but when the Director is not prepared to make a recommendation there should be a waiver of the rules for a subject to be placed on the agenda and that procedure should be followed in the future.

Mr. Jack Rice of Miami said he represented Shell Point Village, constructed by the Christian Missionary Alliance, and primarily Palm Acres, the corporation presently before the Board, that work commenced in 1965 has been a continuous operation within the bulkhead line on submerged land purchased many years ago for the purpose of using it as fill material, the plat was approved by Lee County, title opinion was obtained and furnished to the staff, and the firm's engineer reported it was not necessary to obtain a permit. Mr. Rice indicated on a map finger fills developed and lots sold. He said his clients objected to paying \$25,000 for material removed from their

own land and felt that an ecological study should be made before they were required to construct two flood gates.

In response to Mr. Shevin's question of corporate status and compliance with law, it was stated that the firm was properly incorporated as far as he knew. Mr. Rice said he was sure any problem would be worked out, that they were here for direction in order to be able to continue work on lots sold but not now usable.

Mr. Stone felt that all that might be done today was to ask the staff to speed up negotiation efforts. The Director advised that when the survey was completed in about two months a staff recommendation would be presented. He asked that the minutes reflect the staff's position.

Mr. Kenneth G. Oertel, Trustees' Chief Counsel, said his understanding of the case was that the dredging and filling was in violation of state and federal law, that finger-fills were dredged in navigable waters without state or federal permits, negotiations had broken down without reaching a termination, and the state and Corps of Engineers ordered the work stopped.

Governor Askew expressed the consensus of the board members that the matter should be brought to a conclusion, hopefully within the next sixty days, and a recommendation made to the Trustees as to some type of disposition.

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On motion by Mr. Stone, passed without objection, the minutes of October 31, 1972, were approved.

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OKALOOSA COUNTY - Murphy Act Land Sale (Hardship Act)
(October 4, 1972)

APPLICANT: W. O. Bowden and Mary Lee Bowden
Route 1, Crestview, Florida

REPRESENTED
BY: Cecil L. Anchors, Clerk Circuit Court,
Okaloosa County, Florida.

REQUEST: Application under Section 197.355, Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act), to purchase land described as follows: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 2, Township 3 North, Range 22 West, Okaloosa County, Florida, embraced in Tax Sale Certificate No. 40 of July 1, 1929, in the amount of \$3.22 prorated.

OFFER: \$200 for this land, which is \$10 per acre for the 20 acres of land. The 1932 assessed value was \$50.

STAFF
REMARKS: Section 197.355, Florida Statutes, provides that the Board may convey the interest of the State to the owner in 1939, or those claiming by, through or under that owner, for such consideration as the Board shall deem equitable and proper without advertisement and public sale.

There has been deposited with the Clerk of the Circuit Court of Okaloosa County an amount equal to the sum of all state, county taxes and assessments due to the date of the application.

This tax sale certificate was overlooked by the then Clerk of the Circuit Court when an attempt was made to pay all outstanding taxes.

The applicants claim by, through or under the former owner by virtue of a conveyance.

The applicant qualifies under the so-called "Hardship Act".

Recommend conveying the interest of the State of Florida in this parcel of land to W. O. Bowden and Mary Lee Bowden for not less than \$10 per acre or \$200 following established policy.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed with an affirmative vote of five, the staff recommendation was approved as the action of the Trustees on this Hardship Act sale of Murphy Act land.

-19-

WAKULLA COUNTY - Murphy Act Conveyance
(October 5, 1972)

APPLICANT: Wakulla County
represented by Mr. Moody Pearce, Clerk of
the Circuit Court
Crawfordville, Florida

REQUEST: Purchase of Lots 12 and 17, Block D, Town of
Crawfordville, under Section 197.350(1) (c),
Florida Statutes.

DESCRIPTION: Lots 12 and 17, Block D, Town of Crawfordville

OFFER: \$1,500 for the two lots - staff appraised value

PURPOSE: Wakulla County desires to purchase these two lots for
a jail site.

Recommend issuance of deed to Wakulla County under Section 197.350
without advertisement and public sale for the appraised price of
\$1,500.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Messrs. Stone and Shevin, passed without objection, the Trustees authorized issuance of the deed to Wakulla County as recommended.

-20-

SANTA ROSA COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Continental Oil Company
by Donald E. Harris
Post Office Box 51266, OCS
Lafayette, Louisiana 70501

REQUEST: Consideration of Oil and Gas Lease Bids

LOCATION: Those portions of State Road 10 (U.S. No. 90) and
Interstate 10 lying in Sections 25, 26, 27, 34,
35, and 36 Township 2 North, Range 27 West,
Santa Rosa County, containing a total of 285 surface
acres (285 net mineral acres).

INTEREST

OF STATE: Department of Transportation holds a full interest
in the petroleum, and proceeds from this lease
will go to that department.

The lease requires an annual rental of \$1 per net mineral acre,
\$50,000 surety bond, 1/6 royalty and at least one test well
every 2½ years drilled to 6,000 feet or to a depth sufficient

to test the Norphlet Sands, whichever is deeper. Well drilling operations are prohibited on the road rights of way.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and The Press-Gazette with bids to be opened at 10:00 A.M. (EST) on November 14, 1972, for consideration by the Trustees. The right to reject any or all bids is reserved.

At the meeting on November 14 the two bids received were opened and read, as follows:

Amoco Production Company \$7,200.00, total bid
(bonus per acre of \$24.61)

Continental Oil Company \$14,623.35, total bid
(bonus per acre of \$50.31)

As only four members of the Board were present, consideration and award were deferred until this date.

Recommend award of lease to the high bidder, Continental Oil Company.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the high bid was accepted and the oil and gas lease awarded to Continental Oil Company, the high bidder.

-21A-

CLAY COUNTY - Application for Quitclaim, File No. 2475-10-
253.12(6)
(June 8, 1972)

Staff Description: A parcel of filled sovereignty land in the St. Johns River abutting Section 44, Township 4 South, Range 26 East, Clay County.

- A. CITY AND COUNTY: Clay County
- B. APPLICANT: St. Johns Associates, Limited
- C. APPLICANT'S REPRESENTATIVE: Walter N. Vance, III
1920 San Marco Boulevard
Jacksonville, Florida 32207
- D. ACREAGE: 1.10 acres
RATE PER ACRE: \$1,000 per acre or \$1,100 for the parcel
- E. APPRAISAL: Memorandum of appraisal by staff appraiser, September 20, 1972.
- F. PURPOSE: Not applicable.
- G. BIOLOGICAL REMARKS: Not applicable.
- H. STAFF REMARKS: The applicant applied for a quitclaim deed pursuant to Section 253.12(6) Florida Statutes, which provided that "Where any person, state agency, county, city or other political subdivision prior to June 11, 1957, extended or added to existing lands or islands bordering on or being in the navigable waters as defined in this section by filling in or causing to be filled in such lands, the board shall upon application therefor convey said land so filled to the riparian owner or owners of the upland so extended or added to. The consideration for such conveyance shall be the appraised value of said lands as they existed prior to such filling."

The applicant has submitted two affidavits which state that the parcel was filled during the years 1952, 1953, 1954 and 1955 by a predecessor in title.

November 29, 1972

Applicant has submitted \$100 processing fee.

Staff requests authority to issue quitclaim deed for the consideration of \$1,100, plus \$250 appraisal fee.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the quitclaim deed for \$1,100 consideration plus the \$250 appraisal fee.

-21B-

CLAY COUNTY - Dredge and Fill Permit No. 10-31-0069
(August 7, 1972)

APPLICANT: St. Johns Associates, Ltd., c/o Walter N. Vance, III
1920 San Marco Boulevard, Jacksonville, Florida 32207

PROJECT: To dredge from an existing boat basin, replace a bulkhead, reclaim land lost by avulsion in accordance with the provisions of Section 253.124(8), F.S., and to repair an existing dock.

LOCATION: Section 21, Township 4 South, Range 26 East, Doctor's Inlet, Clay County.

MATERIAL: 1,700 cubic yards.

PAYMENT: None. Sovereignty land is not involved.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - If this project is implemented there will be some loss of littoral fishery habitat. Damage to the surrounding area may result if the boat basin area is not screened off during the dredging period. Also, no runoff should occur from behind the bulkheaded area into Doctor's Inlet.

As a compensating factor for the loss of littoral area, riprap should be placed on the outer edge of the new bulkhead.

Department of Pollution Control - No objection.

OTHERS: Two affidavits have been received confirming the loss of land by avulsion.

Staff recommends issuance of Permit No. 10-31-0069 subject to the stipulations of the Game and Fresh Water Fish Commission.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the permit was approved subject to the stipulations of the Department of Natural Resources.

-22-

NASSAU COUNTY - Right of Way Easement File No. 2481-45-253.03
(October 5, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida 32304

PROJECT: Highway and bridge construction across the Amelia River (Kingsley Creek) for State Road 200. No dredging or filling of sovereignty land is required.

LOCATION: 3.45 acre parcel of submerged land in the Amelia River (Kingsley Creek) abutting Section 46, Township 2 North, Range 28 East, Nassau County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: Not applicable.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: The Corps of Engineers, Jacksonville District, interposes no objection to the construction.

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board authorized issuance of the right of way easement to the Department of Transportation.

-24-

DADE COUNTY - Assignment of Lease No. 2139-A
(October 18, 1972)

APPLICANT: Martin Woolin
Post Office Box 250
Perrine, Florida 33157

PROJECT: Mr. Woolin, holder of Campsite Lease No. 2139A which has been renewed through November 9, 1973, requests assignment of the lease to Nat Ratner, 1688 Meridian Avenue, Miami Beach, Florida.

LOCATION: Biscayne Bay.

MATERIAL: Not applicable.

PAYMENT: \$25 processing fee for assignment has been paid.

STAFF

REMARKS: Instrument of assignment and acceptance of terms and conditions, executed by both parties, have been approved by staff legal counsel.

ECOLOGICAL

RESPONSES: Not applicable.

Staff recommends approval of assignment of Lease No. 2139A to Nat Ratner.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board approved the lease assignment.

November 29, 1972

-26 & 27-

COLLIER COUNTY - Dredge and Fill Permit No. 253.123-1023
and 253.124 - Agenda Item 26
(November 1, 1972)

APPLICANT: Deltona Corporation
Post Office Box 280, Miami, Florida 33129

PROJECT: To dredge numerous navigation and upland canals
and to place fill material in the areas designated
on the sketch furnished.

LOCATION: John Stevens Creek, Marco River and Big Key Bay,
Sections 9, 10, 11, 12, 13, 14 and 15, Township
26 South, Range 52 East, according to the Carl E.
Johnson Survey.

MATERIAL: 3,000,000 cubic yards to be removed from outside
bulkhead line and 4,300,000 cubic yards to be
removed from inside the bulkhead line.

PAYMENT: None. State-owned sovereignty lands not involved.

COLLIER COUNTY - Dredge and Fill Permit No. 253.123-1022
and 253.124 - Agenda Item 27
(November 1, 1972)

APPLICANT: Deltona Corporation
Post Office Box 280, Miami, Florida 33129

PROJECT: To dredge numerous navigation and upland canals and
to place fill material in the areas designated on
the sketch furnished.

LOCATION: Barfield Bay, Blue Hill Creek and Blue Hill Bay
in Sections 10, 13, 14, 15, 16, 21, 22, 23 and
24, Township 26 South, Range 52 East according to
the Carl E. Johnson Survey.

MATERIAL: 5,700,000 cubic yards of material to be removed
from outside the bulkhead line and 4,200,000 cubic
yards of material to be removed from inside the
bulkhead line.

PAYMENT: None. State-owned submerged lands not involved.

ECOLOGICAL
RESPONSES: Department of Natural Resources - This project will
have massive and permanent adverse effects on marine
biological resources.

Bureau of Beaches and Shores - The proposed project,
however, proposes incredibly high canal densities
in areas with small receiving bodies of water which
have low velocities. The hydrographic report does
not adequately show that the proposed work will not
have serious detrimental effects on the area.

Game and Fresh Water Fish Commission - The biologi-
cal ramifications of this project are of such
magnitude that we have no alternative other than
to recommend against this project because of the
destruction of biological resources that would result.

Department of Pollution Control - Reports that
applicant filed request for certification on
October 13, 1972. Review of this massive project
has not yet been completed.

Staff recommends execution of the Articles of Agreement and
issuance of Permit Nos. 253.124 and 253.123-1023 and Permit
No. 253.124 and 253.123-1022.

November 29, 1972

ACTION OF THE TRUSTEES:

The applications from the Deltona Corporation (Items 26 and 27) had been reviewed and discussed on several occasions and deferred on November 14 for two weeks. Mr. Kuperberg said the staff was prepared to discuss the two applications at whatever length the Board desired.

With a commendation to the staff for finally settling the matter, Mr. Christian made a motion, seconded by Mr. Dickinson, to approve the two permit applications.

Attorney General said it was his understanding that Deltona will deed to the state approximately 4,000 acres of land contingent on completion of the entire project. He also understood that by signing the final agreement the State of Florida would still own Kice Island (about 900 acres with 2½ miles of Gulf beach front) even in the event the Pollution Control Department or the federal government rejects permit applications and does not allow the project to go forward.

Mr. Kuperberg said that was the agreement and Mr. Frank Mackle, responding to a question of the Governor, affirmed that that was the spirit of the agreement.

Governor Askew said it was understood that the state acts in good faith, that there has been absolutely no understanding between either party as to how the Department of Pollution Control might act on any further application, but it was not the intention of the state to try to obtain this property of great value and then not act in good faith. The Governor said the Department of Pollution Control would have complete freedom in whatever areas its responsibilities lie as far as water quality control is concerned.

For the record, Attorney General Shevin pointed out that the agreement being entered into here with regard to dredging and filling of Big Key, some 4,500 acres involving hardship cases and about 12,000 people who had bought lots, was not the case with regard to the other 7,500 acres between the Collier-Read tract and Big Key which has not been sold, and the Board was in no way obligating itself to agree to any development, dredging or filling of that particular tract of land in the future.

Mr. Kuperberg said that was his understanding and it had been reaffirmed several times. Mr. Mackle said there was no question about that. The Governor noted that Mr. Mackle agreed with the position stated.

Mr. Shevin asked the Director if the property received by the state was valued at about twenty million dollars, whereupon the Governor said he did not think the Director should be held professionally to an appraisal figure but it was the Governor's understanding that the value to the company for development purposes would have been about twenty million dollars, that it was an extremely valuable piece of property and could well be the key to preservation of the entire southwestern corner of Florida.

Mr. Mackle said he preferred not to make an appraisal but would not object to what the Governor had said. Governor Askew added that obviously it was a swap-out environmentally, and a good exchange that had required extended negotiations for the state to reach that position.

Mr. Shevin referred to an opinion of title by an attorney retained by the Trustees, Mr. Henry M. Kittleson, whose view was that the 4,000 acres being conveyed to the state - uplands and that portion of submerged land to minus three feet mean high water - was in Deltona ownership through the Collier deed. Mr. Kuperberg said that was correct, that all the submerged land in that township to at least minus three feet had been conveyed by

the state in 1928. The Governor added that now the state was regaining a substantial portion of the land.

Mr. O'Malley, who has asked for deferral two weeks ago, had asked the Governor to indicate for the record that he would vote in favor of approval of the permits if he were present.

There being no further discussion, the motion by Mr. Christian, seconded by Mr. Dickinson, passed by unanimous vote of the **five** members present.

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ST. LUCIE COUNTY - Channel Maintenance Dredging
(June 19, 1972)

On October 31 consideration was deferred at the request of the Governor.

The Board of Commissioners of the Fort Pierce Port and Airport Authority in meeting on June 13, 1972, adopted Resolution No. 72-8 which sets forth the Board's efforts to obtain a spoil area to accommodate the material to be removed in scheduled maintenance dredging in the existing channel and turning basin.

A portion of the material is suitable and will be placed on the South Beach in connection with the erosion control program. Due to the distance involved and the character of the material, it is not feasible to place all of the spoil on the beach. State and federal agencies, including the Florida Game and Fresh Water Fish Commission and the Federal Bureau of Sports Fisheries and Wildlife, have objected to the use of certain publicly-owned spoil areas. The Port Authority has proposed the use of Coon Island, a publicly-owned spoil island, and has proposed two privately-owned spoil areas as alternates, subject to the waiving of the 50 cents per cubic yard charge for sovereignty materials.

The Board of Commissioners requests waiver of the 50 cents per cubic yard charge for 100,000 yards of material to be placed on privately-owned uplands by the Corps of Engineers or its agents or contractors.

Members of the Board of Commissioners of the Fort Pierce Port Authority are expected to be present to make its request directly to the Board of Trustees.

Staff recommends that the portion of the project's spoil which is unsuitable for beach nourishment be placed upon Coon Island after adequate dikes, and sedimentation controls have been installed in such a way as to preserve and protect the red mangrove fringe of the island.

ACTION OF THE TRUSTEES:

Mr. Kuperberg acknowledged that the staff had been slow in responding on this matter, that the problem had been that of spoil disposal, and he discussed four different proposed disposal areas stating that belatedly the staff had accepted an earlier Port Authority proposal to use Coon Island provided that dikes would be constructed upland of the mangrove fringe. The Port Authority had just receded from that position because of the U. S. Army Corps diking requirements, and requested waiver of the fee of fifty cents per cubic yard, further that spoil be placed on private upland at no fee which the staff was unwilling to recommend. Mr. Kuperberg said the material had two values, its value as fill and the cost to the state for the loss of marine productivity suffered by the dredging operation. He thought that material placed on state-owned Coon Island would enhance its value for public use, that some of the material might be sold to a private upland owner, and the Port Authority might consider the \$50,000 as a business cost and sell or dispose of the material as desired.

November 29, 1972

When Mr. Christian suggested postponement, the Governor said that inadvertently the Port Authority representatives were not given an opportunity to be heard on October 31 and those here today should be heard.

Mr. Edward G. Enns, on the Board of County Commissioners and the Chairman of the Port Authority, expressed the opinion that their proposal would be the least damaging to the environment and the least cost to the public taxpayer.

Mr. Weldon Lewis, administrator of the county and the Fort Pierce Port and Airport Authority, using an aerial photograph, explained the maintenance project, funding by the Corps of Engineers now ready to commence work, various proposed disposal sites, poor quality of this particular material, the estimate of over \$169,000 for the dike and objections of the City Commission to use of Coon Island with the requirement of a high dike. Mr. Lewis explained that for approximately a year and a half they had explored and exhausted all possible sites for public use and there remained only two available sites, both privately owned.

Mr. Lewis said the County Commissioners agreed with the position of requiring payment for material dredged from bottom lands and placed on upland or submerged land to enhance property, but in this case they needed to remove material that is not good fill material and private owners, believing it of no benefit to them, were not willing to pay for it.

Concluding the discussion of the possibility of alternatives to placing the material on private property, Governor Askew pointed out the questions of the easement of the island for recreation use by the City of Fort Pierce and the additional question of the worth of the material. He commended the Port Authority representatives on their presentation and said that on such a complicated matter concerning public property he did not think thirty days was an unjustified period to try to reach a determination.

On motion by Mr. Christian, seconded and passed without objection, action was deferred for thirty days.

-29A-

BROWARD COUNTY - Right of Way Easement File No. 2486-06-253.03
(November 10, 1972)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida 32304

PROJECT: Construction of three bridges for State Road
No. 9(I-95) across the North Fork of New River.
No dredging or filling is required for the bridge
construction.

LOCATION: 1.0-acre parcel of sovereignty land in the North
Fork of New River abutting Section 4, Township 50
South, Range 42 East, Broward County.

MATERIAL: None.

PAYMENT: None.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff requests authority to issue the Right of Way Easement subject to the Department of Transportation acquiring the abutting uplands.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the easement was approved subject to acquisition of the abutting uplands by the Department of Transportation.

-29B-

BROWARD COUNTY - Dredge Permit No. 06-22-0246
(November 10, 1972)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida 32304

PROJECT: To dredge a small area of submerged land to install storm drains in connection with construction of three bridges for I-95.

LOCATION: Section 4, Township 50 South, Range 42 East,
North Fork New River, Broward County.

MATERIAL: Approximately 24 cubic yards of material to be removed and placed on Department of Transportation right of way above the mean high water line.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Dredge Permit No. 06-22-0246.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the dredge permit to the Department of Transportation.

-30-

COLLIER COUNTY - Application to Purchase, File 2583-11-253.12
(July 3, 1972)

STAFF DESCRIPTION: Three parcels of filled sovereignty land in the Cocohatchee River abutting Section 17, Township 48 South, Range 25 East.

A. CITY AND COUNTY - Collier County

B. APPLICANTS: Miles Scofield, et al

C. APPLICANTS'
REPRESENTATIVE: Stanley W. Hole
Post Office Box 1516, Naples, Florida 33940

D. ACREAGE: 13.66 acres.

RATE PER ACRE: \$500 per acre or \$6,830 for the parcel.

E. APPRAISAL: By Hamilton Hunter, M.A.I. and S.R.A.,
June 16, 1972. \$500 per acre for 13.44
acres as of April 7, 1965. Reviewed
by staff appraiser October 26, 1972.

November 29, 1972

- F. PURPOSE: Development in accordance with county zoning.
- G. BIOLOGICAL REMARKS: Not applicable. The parcels were previously filled under permits.
- H. STAFF REMARKS: The parcels of land involved lay within the area described in Trustees Deed No. 12,479 dated December 14, 1883. It has been determined that some of the land was tidal in character and not swamp and overflowed land within the meaning of the Swamp Land Act of 1850.

These parcels of land were filled after the Collier County Commissioners established a bulkhead line in accordance with the provisions of Section 253.122, F.S., and issued a permit under the provisions of Section 253.124, F.S. The Board of Trustees approved both the bulkhead line and the fill permit on February 23, 1965. The staff on this same date wrote the U.S. Army Corps of Engineers that the Trustees did not object to the issuance of its permit.

The applicant relied on this information and proceeded to fill these lands in accordance with the approved and issued permits.

It now appears that applicant acted to his own detriment by relying on the approvals by local, state and federal authority.

Staff requests authority to advertise for objections only.

ACTION OF THE TRUSTEES:

Mr. Kuperberg summed up this application as a case where the Trustees years ago issued a permit for filling lands, some of which now appear to have been state-owned submerged lands. To resolve the matter the staff requests authority to advertise the filled parcels for sale on the basis of the appraised price.

On motion by Mr. Stone, seconded by Mr. Shevin and passed without objection, the advertisement was authorized.

-31-

MONROE COUNTY - Fill Permit No. 253.03-347
(March 13, 1972)

This item is being placed on the agenda at the request of the Commissioner of Education.

APPLICANT: Ocean Reef Club
c/o William J. Roberts
Post Office Box 1386, Tallahassee, Florida 32302

PROJECT: To construct a seawall along the existing shoreline of Pumpkin Creek.

LOCATION: Section 7, Township 59 South, Range 41 East, Key Largo, Monroe County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed seawall would have only limited adverse effects on marine biological resources if the intertidal red mangroves and the tributary creek are conserved.

November 29, 1972

Game and Fresh Water Fish Commission - Recommends that riprap be used to stabilize the shoreline in place of a seawall.

Department of Pollution Control - No objection.

Staff recommends issuance of Permit No. 253.03-347 subject to the recommendations of the Department of Natural Resources and with the stipulation that riprap be placed along the outside of the seawall.

ACTION OF THE TRUSTEES:

The Director reported that the applicant had agreed to meet all the requirements laid down by the environmental agencies.

On motion by Mr. Christian, seconded by Mr. Shevin and passed without objection, the permit with stated stipulations was approved.

Mr. Stone commented that he had been but was not now a member of that club and was voting with the majority.

Mr. Kenneth G. Oertel, Trustees' Chief Counsel, advised the board that he had been requested by the United States Department of Justice to handle a case he had filed when he was with the office of the United States Attorney in September, involving dredging in the Florida Keys.

In response to Mr. Shevin's question, Mr. Oertel said he saw no conflict between handling that case and his work for the Trustees, and hoped it would be a short trial.

Mr. Shevin made a motion that Mr. Oertel be allowed to handle the case for the Justice Department. Mr. Stone seconded the motion, commending Oertel for his work in Miami in the United States Attorney's office, particularly with reference to the Miami River.

Without objection, the motion was passed.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST: 
EXECUTIVE DIRECTOR

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Tallahassee, Florida
December 12, 1972

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

-1-

DADE COUNTY - Road Right of Way
(September 1, 1972)

APPLICANT: Department of Transportation
represented by J. E. Greiner Company, Inc.
Post Office Box 23646
Tampa, Florida 33622

REQUEST: Parcel of Trustees' land for right of way for the
Homestead Extension of Florida's Turnpike, State
Road 821.

DESCRIPTION: Lot 16, Block 18 of Sweetwater Golf Course
Townsite, per plat book 17 at page 3, Dade County
public records, in Section 1, Township 54 South,
Range 39 East, Dade County.

This 50 feet x 150 feet lot reverted to the state under the Murphy Act and was deeded to the Trustees in 1953 under Chapter 21684, Acts of 1943. The lot was appraised at \$4,000 by the J. E. Greiner Company, Inc., appraiser and was reviewed and approved by staff appraiser as an acceptable offer. The lot is unimproved and lies completely within the proposed right of way.

Recommend issuance of easement to the Department of Transportation for public road purposes only for the \$4,000 consideration offered.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and Mr. O'Malley and passed without objection, the Trustees authorized easement for public road purposes only for the consideration offered.

-2-

MONROE COUNTY - Application for Contract Purchase Deed
File No. 24678(1975-44)
(March 30, 1972)

STAFF

DESCRIPTION: A tract of submerged land in the Bay of Florida
lying northwest of the Island of Key West, in
Township 67 South, Range 25 East, Monroe County.

PURCHASER: FEB Corporation
Post Office Box 2455
Key West, Florida

ACREAGE: 125.05 acres

December 12, 1972

RATE: \$300 per acre or \$37,515 for the parcel.

PAYMENT: The contract purchaser has paid the full amount of \$37,515.00 principal, plus \$4,386.60 interest, under the terms of the contract.

On September 26, 1967, the Trustees unanimously confirmed the sale to the applicant, and Contract for Land Purchase was executed by the Trustees October 9, 1967.

Staff Legal Counsel is of the opinion that the deed should be issued.

The field investigator's report states that there is no evidence of fill being placed on the tract.

Staff advised the applicant that based on the concern expressed by the state environmental agencies it would be extremely doubtful that he would be able to develop the submerged land purchased. Staff offered to submit to the Trustees a recommendation for refund in lieu of issuing a deed. Applicant advised that he preferred that the deed be issued.

Staff requests authority to issue a deed to the purchaser.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and Mr. O'Malley and passed without objection, the Trustees authorized issuance of the deed to the purchaser.

-3-

SUMTER COUNTY - Confirm a public sale of Murphy Act land
(October 27, 1972)

LAND

DESCRIPTION: Lots 13, 16, 17 and 20, Block K, Sunset Park, Section 7, Township 19 South, Range 23 East, Sumter County, Florida.

LOCATION: The land is comprised of four lots 25 feet by 105 feet each located in the South quadrant of the incorporated limits of City of Wildwood, Sumter County, Florida. The land is within a sparsely developed residential section with homes in the \$5,000 to \$9,000 class.

APPRAISAL: By staff appraiser, \$150 per lot or a total of \$600.

AUTHORITY
FOR SALE: Section 197.350, Florida Statutes.

DATE OF
SALE: October 25, 1972, by Clerk of the Circuit Court of Sumter County.

HIGH BIDDER: A. M. Barlow, Wildwood, Florida

HIGH BID: \$600

Recommend confirmation of sale of this land to A. M. Barlow for \$600 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and Mr. O'Malley and passed without objection, the staff recommendation was approved as the action of the Trustees.

-4-

HILLSBOROUGH COUNTY - Request for duplicate Murphy Act deeds
(October 30, 1972)

APPLICANT: A. L. Midyette for Deed No. 3508 and Alvin H. Hinson
for Deed No. 3884.

REPRESENTED

BY: Robert S. Edwards, Attorney
Post Office Box 1119
Plant City, Florida 33566

REQUEST: Request issuance of duplicate Murphy Act deeds to A. L. Midyette and Alvin H. Hinson. The original Murphy Act deeds were lost and never placed of record in the Public Records of Hillsborough County.

Recommend issuance of duplicate Murphy Act deeds to A. L. Midyette and Alvin H. Hinson for \$25 for each deed, the usual cost for issuance of a duplicate deed.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and Mr. O'Malley and passed without objection, the Trustees approved issuance of the duplicate deeds for a charge of \$25 each.

-5-

PALM BEACH COUNTY - Right of Way Easement File No. 2484-
50-253.03
(October 31, 1972)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida

PROJECT: Highway and bridge construction for Section
93090-2508, Alternate A-1-A, Loxahatchee River.
No dredging or filling of submerged land is required.

LOCATION: 1.53-acre parcel of sovereignty land in the
Loxahatchee River abutting Section 31, Township
40 South, Range 43 East, Palm Beach County.

PAYMENT: None.

STAFF REMARKS: Not applicable.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff requests authority to issue easement subject to the
Department of Transportation acquiring abutting upland ownership.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and Mr. O'Malley and passed without objection, the easement was approved subject to the provision recommended by the staff.

-6-

DUVAL COUNTY - Dredge Permit No. 253.123-709

At the request of Clarence E. Brown, applicant's attorney, the Trustees deferred until January 3, 1973, the consideration of a dredge permit requested by Jacksonville Bulk Terminals, Inc., to remove silt from an existing slip in the St. Johns River.

-7-

PINELLAS COUNTY - Dredge Permit No. 253.123-1087
(February 28, 1972)

APPLICANT: City of Madeira Beach
Post Office Box 8276, Madeira Beach, Florida 33738

PROJECT: To dredge approximately 1,500 cubic yards from
an area adjacent to a storm drain and place the
material on an existing rubble fill.

LOCATION: Section 9, Township 31 South, Range 15 East,
Boca Ciega Bay, Pinellas County.

MATERIAL: 1,500 cubic yards of silt to be removed and placed
on city-owned uplands.

PAYMENT: The city has requested waiver of fees. The material
will be placed on uplands owned by the City of
Madeira Beach.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Although a sparse
growth of Cuban shoalweed and some marine invertebrates
would be affected, this small project should not have
significant adverse effects on marine life.

Game and Fresh Water Fish Commission - No objection
provided all spoil is placed above the mean high
water line.

Department of Pollution Control - No objection.

OTHERS: Pinellas County Water and Navigation Control Authority
issued Permit No. DO-205.

Staff recommends issuance of Permit No. 253.123-1087 and waiver
of fees with the stipulation that all material be placed on
uplands.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and
Mr. O'Malley and passed without objection, the Trustees approved
issuance of the permit with no fees and a stipulation that all
material be placed on uplands.

-8-

LAKE COUNTY - Construction Permit and Marina License
No. 35-30-0137
(August 31, 1972)

APPLICANT: James H. Powell
Route 1, Box 114
Astor, Florida 32002

PROJECT: To construct a dock 72 feet x 13 feet on the west
shore of St. Johns River adjacent to applicant's
existing upland marine service facility.

LOCATION: Section 30, Township 15 South, Range 28 East,
Lake County.

MATERIAL: None.

PAYMENT: \$100 received as minimum annual fee.

STAFF
REMARKS: Field Operations - No objection.

December 12, 1973

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Construction Permit and Marina License No. 35-30-0137.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and Mr. O'Malley and passed without objection, the Trustees approved issuance of the construction permit and marina license as recommended.

-9-

PINELLAS COUNTY - Construction Permit and Marina License No.
52-30-0122
(August 17, 1972)

APPLICANT: Paul Vigilant
22 Pehle Avenue
Saddlebrook, New Jersey

PROJECT: To construct a dock 10 feet wide by 24 feet long on Lot 40, Unit 5A, Island Estates of Clearwater, to provide docking facilities for tenants of an apartment building.

LOCATION: Section 9, Township 29, Range 15 East, Pinellas County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - Not applicable.

OTHERS: Pinellas County Water and Navigation Control Authority approved Permit No. M6575-72.

Staff recommends issuance of Construction Permit and Marina License No. 52-30-0122 for one year at the required fee.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and Mr. O'Malley and passed without objection, the Trustees approved issuance of the construction permit and marina license as recommended.

-10-

PINELLAS COUNTY - Construction Permit and Marina License
No. 52-30-0133
(August 25, 1972)

APPLICANT: George W. Wadsworth, et ux
2624 North Paula Drive
Dunedin, Florida 33528

PROJECT: To construct an "L"-shaped dock, 30 feet in width with a projection of 32.5 feet from the seawall in St. Joseph Sound to provide docking facilities for tenants of an apartment building.

LOCATION: Section 15, Township 28 South, Range 15 East,
Pinellas County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - Not applicable.

OTHERS: Pinellas County Water and Navigation Control Authority
approved Permit No. M6659-72.

Staff recommends issuance of Construction Permit and Marina
License No. 52-30-0133 for one year at the required annual fee.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and Mr.
O'Malley and passed without objection, the Trustees approved
issuance of the construction permit and marina license as
recommended.

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PINELLAS COUNTY - Construction Permit and Marina License
No. 52-30-0147
(September 11, 1972)

APPLICANT: Don Cowan, Inc.
12405 Third Street East
Treasure Island, Florida

PROJECT: To construct a dock extending 20 feet along an existing
seawall with a projection into the waterway of 12.5
feet to provide docking facilities for tenants of a
condominium apartment complex.

LOCATION: Section 23, Township 31 South, Range 15 East,
Boca Ciega Bay, Pinellas County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - Not applicable.

OTHERS: Pinellas County Water and Navigation Control Authority
approved Permit No. M6649-72.

Staff recommends issuance of Construction Permit and Marina
License No. 52-30-0147.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and Mr.
O'Malley and passed without objection, the Trustees approved
issuance of the construction permit and marina license.

-12-

LEVY COUNTY - Confirm a public sale of Murphy Act land
(November 7, 1972)

LAND

DESCRIPTION: NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 36, Township 13 South,
Range 17 East, Levy County, Florida.

LOCATION: The land is comprised of a 40 acre tract located
approximately 7 miles southwest of Williston and
approximately 9 miles southeast of Bronson within
an unincorporated area of Levy County, Florida.

APPRAISAL: By staff appraiser, \$6,000 for the 40 acres of
land.

AUTHORITY

FOR SALE: Section 197.350, Florida Statutes.

DATE OF SALE: October 10, 1972, by Clerk of the Circuit Court
of Levy County.

HIGH BIDDER: Gene Bailey.

HIGH BID: \$7,979.00

Recommend confirmation of sale of this land to Gene Bailey
for \$7,979 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Christian
and Mr. O'Malley and passed without objection, confirming sale
of this Murphy Act land in Levy County as recommended by the
staff.

-13-

ESCAMBIA COUNTY - Easement for Electric Transmission Line
(October 26, 1972)

APPLICANT: Gulf Power Company

REQUEST: Right of way for construction, operation and
maintenance of electric transmission lines.

LOCATION: A parcel 100 feet wide and 208 feet long being
the south half of a one-acre parcel owned in fee
by the State under the Murphy Act, Chapter 18296,
Act of 1937 (Tax Certificate No. 230 of 1925 and
Tax Certificate No. 2879 of 1933) in SW $\frac{1}{4}$ of NE $\frac{1}{4}$
of Section 6, Township 5 North, Range 30 West,
Escambia County.

OFFER: The offer of \$350 has been reviewed and approved
by staff appraiser.

Recommend issuance of easement for electrical transmission line
purposes only.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Christian
and Mr. O'Malley and passed without objection, approving
issuance of the easement for electrical transmission line
purposes only.

-14-

DUVAL COUNTY - Bulkhead Line No. 16-35-0233
(June 1, 1972)

APPLICANT: Jacksonville Port Authority
Post Office Box 3005
Jacksonville, Florida 32206

PROJECT: The City Counsel of the City of Jacksonville by Resolution No. 72-219-151 on May 12, 1972, established a bulkhead line 9,828.06 feet long closely approximating the location of the mean high water line.

LOCATION: Sections 18 and 19, Township 1 South, Range 28 East, and Sections 24 and 25, Township 1 South, Range 27 East on the easterly side of St. Johns River, Duval County.

MATERIAL: None.

PAYMENT: Not required.

STAFF

REMARKS: Field Operations - Suggests bulkhead line be established at or above the mean high water line.

ECOLOGICAL

RESPONSES: Department of Natural Resources - "...bulkhead line should be set at the mean high water line."

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection
"...although it would be preferable if it were established at the line of mean high water."

Staff recommends approval of the bulkhead line as it is a close approximation of the line of mean high water.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley and Mr. Christian, to approve the bulkhead line.

Noting the comment of the Department of Pollution Control, Mr. Shevin asked for clarification of the words "close approximation" in the staff recommendation. The Director explained that when the inspections were made there were no engineering stakes out but now the line has been staked by engineers for the Jacksonville Port Authority, the line falls upland of most of the cord grass, in places above the mean high water line and in others in the water, and the existing channel is well seaward of the cord grass. In this industrial area a crooked seawall would be of little value; this will be a straight line but does approximate as nearly as possible the mean high water line, Mr. Kuperberg said.

Without objection, the motion to approve the bulkhead line passed.

-15-

ESCAMBIA COUNTY - Dredge Permit No. 253.123-873
(October 16, 1972)

APPLICANT: Pensacola Terminals, Inc.
3088 Barrancas Avenue
Post Office Box 4008, Pensacola, Florida 32507

PROJECT: To do maintenance dredging of approximately 1,500 cubic yards from submerged lands in Bayou Chico adjacent to applicant's terminal in Pensacola, and deliver same to Escambia County for park purposes.

December 12, 1972

LOCATION: Section 27, Township 2 South, Range 30 West,
Escambia County.

MATERIAL: Approximately 1,500 cubic yards.

PAYMENT: Applicant requested waiver of fees as dredged
material will be hauled to Escambia County Park
site in Section 50, Township 2 South, Range 30 West.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners of Escambia County
issued a Dredge Permit on March 12, 1971 and
Construction Permit No. 450 October 13, 1972.

Staff recommends issuance of Dredge Permit 253.123-873 with
waiver of fees, subject to deposition and use of spoil for
public purposes.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed
without objection, the dredge permit was approved without fee
subject to the stipulations recommended by the staff.

-16-

OKALOOSA COUNTY - Construction Permit, Marina License
No. 46-30-0102 and Dredge Permit No. 46-21-0101
(August 1, 1972)

APPLICANT: Shalimar Yacht Basin, Inc.
Post Office Box 784, Shalimar, Florida 32579

PROJECT: To conduct maintenance dredging at an existing marina.

LOCATION: Section 6, Township 2 South, Range 23 West,
Garnier Bayou, Okaloosa County.

MATERIAL: 2,376.3 cubic yards of material to be removed from
sovereignty lands.

PAYMENT: \$1,188.50 received as payment for sovereignty
material at standard rate. \$976.70 received as
annual fee for marina license.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - Recommend
that all spoil be deposited on uplands behind
restraining walls and a diaphragm system be used to
control siltation.

Department of Pollution Control - No objection.

Staff recommends issuance of Construction Permit and Marina
License No. 46-30-0102 and Dredge Permit No. 46-21-0101 subject
to the stipulations of the Game and Fresh Water Fish Commission.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees approved the permits and license as recommended by the staff.

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PALM BEACH COUNTY - Construction Permit and Marina License
50-30-0142
(August 30, 1972)

APPLICANT: Hudgins Fish Company
Post Office Box 2526, West Palm Beach, Florida

PROJECT: To construct a dock for the unloading of fishery products in Lake Worth.

LOCATION: Section 28, Township 42 South, Range 43 East,
Palm Beach County, Florida.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received. The area of sovereignty lands to be occupied is being recalculated and the fee will be adjusted if necessary.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Construction Permit and Marina License No. 50-30-0142.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the construction permit and marina license were approved.

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BISCAYNE NATIONAL MONUMENT

Trustees have been advised by C. Dubose Ausley, Esquire, of the firm of Ausley, Ausley, McMullen, McGehee and Carothers, Special Counsel for the Trustees in the condemnation action connected with the establishment of the Biscayne National Monument, that the proceedings are almost complete. He recommends the adoption of the resolution submitted to the Trustees and the execution of the stipulation calling for the entry of a stipulated judgement. This is to be entered as soon as the federal government has acquired outstanding lands in the area involved, as provided by the Florida Legislature in authorizing conveyance of state owned lands for establishment of the National Monument without reserving any oil or mineral rights.

Staff recommends adoption of the resolution and the execution of the stipulation.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone and passed without objection, to adopt the resolution and execute the stipulation as recommended by the staff.

Copy of the resolution is attached to these minutes and made a part hereof.

December 12, 1972

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OKALOOSA COUNTY - Application for an ex parte disclaimer
 File No. 2485-46-253.03
 (October 16, 1972)

STAFF DESCRIPTION: A parcel of accreted sovereignty land
 in Boggy Bayou abutting Section 18, Township 1 South,
 Range 22 West.

- A. CITY AND COUNTY - Okaloosa County.
- B. APPLICANT: William I. McCowen
 631 Golf Course Drive
 Fort Walton Beach, Florida 32548
- C. ACREAGE: 0.159
 RATE PER ACRE: Not applicable.
- D. APPRAISAL: Not applicable.
- E. PURPOSE: Not applicable.
- F. BIOLOGICAL
 REMARKS: Not applicable.
- G. STAFF REMARKS: Two affidavits have been submitted which
 state that the parcel was created by the
 process of accretion.
- The Field Operations Division is of the
 opinion that the parcel was formed by
 accretion.

The applicant has submitted a \$25 processing fee.

Staff requests authority to issue the ex parte disclaimer.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr.
 Dickinson, and passed without objection, the Trustees author-
 ized issuance of the ex parte disclaimer to the parcel of
 accreted sovereignty land.

-20-

PASCO COUNTY - Boundary Line Agreement and Dredge Permit
 No. 51-31-0231
 (June 2, 1972)

APPLICANT: Lindrick Corporation
 c/o DuBose Ausley, Attorney
 Post Office Box 391, Tallahassee, Florida 32301

PROJECT: To dredge a navigation access connection, a
 perimeter channel and several interior waterways,
 and to place the fill from these channels on the
 applicant's property.

The applicant also proposes a boundary line agree-
 ment whereby all lands offshore from the outer
 edge of the perimeter channel would be deeded to
 the state for inclusion in the state wilderness
 system as set forth in Chapter 258, with the excep-
 tion of a tract near the north property line to be
 dedicated to the Pinellas Area Council of the Boy
 Scouts of America. The state would quitclaim to
 the applicant all right, title, and interest,
 if any, in the property landward of the line.

LOCATION: Sections 6 and 7, Township 26 South, Range 16 East,
 Pasco County.

December 12, 1972

MATERIAL: 1,600,000 cubic yards of material to be removed from the proposed dredge area.

PAYMENT: None. State-owned submerged land not involved.

STAFF

REMARKS: Field Operations - The developer of this site has taken extreme precautions to protect the environment and ecology of this area.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The proposed development is conservative and would have significant but relatively limited adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - The applicant has modified his proposal significantly to preserve most of the productive marsh lands within the project boundaries. Encroachment into these lands is now due primarily to the construction of navigation canals and channels and their impact should be considered minimal. Under these circumstances we offer no objection to the issuance of the permit.

Department of Pollution Control - Our regional office recommends Trustees' approval of the September 22, 1972, revision.

OTHERS: Numerous letters have been received in favor of the proposed development.

Staff recommends issuance of Dredge Permit No. 51-31-0231 and approval of the boundary line agreement.

ACTION OF THE TRUSTEES:

The Executive Director said the proposed settlement in connection with this old project represented a great deal of effort and was now acceptable to the state and federal agencies and to the applicant.

On motion by Mr. Christian, seconded by Mr. Shevin and passed without objection, the Trustees approved the boundary line agreement and the dredge permit.

On motion by Mr. Stone, seconded by Mr. Christian and adopted without objection, the rules were waived for consideration of items on the addendum agenda.

-21-

MANATEE COUNTY - Dedication No. 24748(2051-41)

The DeSoto Center Advisory Committee
and the City of Bradenton
c/o City Hall, Bradenton, Florida

The DeSoto Center Advisory Committee and the City of Bradenton have requested that the Board of Trustees of the Internal Improvement Trust Fund amend Dedication No. 24748(2051-41) to permit the leasing of land for commercial purposes for a period of 50 years. The dedication limits all leases to 30 years. The land (formerly submerged) was dedicated to the City of Bradenton for public municipal purposes by action of the Trustees of February 27, 1968. On August 31, 1971, the Trustees modified the "public purpose" provision in the dedication by approval of the concept of the DeSoto Center as presented, subject to the following:

1. Not more than 25% of the area to be used for commercial purposes.

December 12, 1972

2. The area adjacent to the open waters of the Manatee River to be reserved for public use.
3. That a blue ribbon ad hoc committee be created, its membership subject to approval of the Trustees, to advise with the city and Trustees on the development program.
4. That a time table for public development be submitted within 180 days.
5. That quarterly reports be furnished to Trustees' staff on progress of the project and activities of the blue ribbon committee.

Staff recommends amendment of Dedication No. 24748(2051-41) to incorporate items (1) and (2), above, in the amended dedication and also remove the thirty-year limit on leases and substitute therefor a maximum term of fifty years, as requested by the Advisory Committee and the City of Bradenton.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that Mr. Robert P. Murray wished to be heard in regard to items 21 and 22. The staff recommended that policy decisions be made a part of the dedication and that an additional amendment be inserted to change the 30-year limit to a maximum term of 50 years. The staff felt that 50 years was long enough to encumber public interest properties and did not recommend option for an additional 20 years, but on all other issues the staff was in agreement with the city representatives on this matter.

Motion was made by Mr. Shevin, seconded by Mr. Stone and passed without objection, to approve the staff recommendation for amendment of the dedication to incorporate therein the first and second items above and also remove the thirty-year limit on leases and substitute therefor a maximum term of fifty years as requested by the DeSoto Center Advisory Committee and the City of Bradenton.

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MANATEE COUNTY - Dedication No. 24748(2051-41)

The City of Bradenton and
Robert P. Murray, Esquire, et al.
Post Office Drawer BW, Lakeland, Florida 33802

The City of Bradenton, as lessor, and Robert P. Murray, Henri Landwirth, John H. Quinn, John H. Glenn, Jr., and Murray Groves, Inc., as lessee, request approval of lease entered into between the lessor and lessee demising 3.9 acres of the DeSoto Center Project for a Holiday Inn (plus option on additional 3 acres for the motel project). The lease is for an initial term of 50 years with an option to renew for 20 years if not needed for public purposes by lessor. This lease was approved by the advisory committee (Blue Ribbon Ad Hoc Committee).

Under the terms of the dedication, the Trustees reserved the right to approve all franchises and leases entered into with the City of Bradenton and involving property in the DeSoto Center.

The legal staff reviewed the lease and finds that it contains many provisions inconsistent with the interest held by the city. It is the opinion of legal that approval of the lease would constitute a modification of the dedication as it applies to the leased area, and the Trustees would be estopped to deny the resulting waiver of rights vested in the Trustees under the dedication.

Staff recommends disapproval of the lease in its present form and until the terms thereof are made consistent with the dedication as amended by the Trustees to the date of execution of the amended lease.

ACTION OF THE TRUSTEES:

At the time of consideration of this dedication, Mayor A. K. Leach and Mr. Robert P. Murray were not in the audience.

Motion was made by Mr. O'Malley, seconded by Mr. Christian and passed without objection, to approve the Executive Director's recommendation for approval of the lease provided the provision for 20-year option be deleted.

Later during the meeting, Mr. O'Malley suggested that the Board hear Mr. Murray and Mr. Leach. The Governor stated that the deletion of the 20-year option had been approved subject to any evidence that might now be presented to cause change in that action.

Mr. Murray urged approval of the 20-year option that was important to their financing and was supported by the city. He pointed out that at any time the city may take the property for public purposes and the title to the motel would go to the city at the end of the lease term. Mayor Leach added information regarding local endorsement of the proposal.

It was the consensus of the members that increase of the lease term from thirty to fifty years was granted because this is in effect a quasi-public facility.

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DUVAL COUNTY - Dredge and Fill Permit 16-21-0284
(September 6, 1972)

This application is on the December 12 agenda at the request of the Secretary of State.

APPLICANT: Paul H. Gissendaner
10884 High Ridge Road, Jacksonville, Florida 32225

PROJECT: To construct a bulkhead and perform maintenance dredging in two existing canals.

LOCATION: Section 31, Township 25 South, Range 29 East,
San Pablo Creek, Duval County.

MATERIAL: Approximately 1500 cubic yards to be excavated from existing privately-owned canals and deposited behind the proposed bulkhead.

PAYMENT: Not applicable as state-owned sovereignty land is not involved.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - If the permit application is revised to preserve the valuable intertidal cord grass zone, the project would not seriously disturb marine biological resources of San Pablo Creek.

Game and Fresh Water Fish Commission - We feel that the project will have deleterious effects on the area unless a silt diaper is erected at the mouth of each canal during dredging operations.

Department of Pollution Control - No objection provided turbidity controls are utilized and all spoil is placed on the applicant's uplands.

OTHERS: 1. The application has been revised to eliminate bulkhead construction in the area fronting San Pablo Creek as requested by the Department of Natural Resources.

December 12, 1972

2. City of Jacksonville - No objection.

Staff recommends issuance of Permit 16-21-0284 subject to the stipulations of the Game and Fresh Water Fish Commission.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and passed without objection, authorizing issuance of the permit subject to the stipulations of the Game and Fresh Water Fish Commission.

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POLK COUNTY - Marina License No. ML-95
(April 7, 1972)

APPLICANT: R. F. Puterbaugh
Post Office Box 165, Babson Park, Florida 33827

PROJECT: Construction of marina facility covering 9,166 square feet of sovereignty land in Crooked Lake.

LOCATION: Section 6, Township 31 South, Range 28 East, Polk County.

MATERIAL: None. No dredging is required.

PAYMENT: \$183.32 annual fee for marina license.

STAFF

REMARKS: Field Operations - Cody Cove is 1,500 feet wide. The proposed dock would extend 224 feet into the cove leaving 1,276 feet of open water for boating and skiing.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Requested Game and Fresh Water Fish Commission to make the inspection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

- OTHERS: 1. The majority of the Board of Directors, Defenders of Crooked Lake, object to the marina.
2. Six letters received objecting to the marina.
3. Five letters received in favor of the marina.
4. Petition with 43 signatures received in favor of the marina.
5. Petition with 23 signatures received in favor of the marina.
6. Fifty-five post cards received in favor of the marina.
7. One hundred fifty-one post cards received constituting a poll of the members of the Defenders of Crooked Lake. The results of the poll showed 123 votes against the marina, 26 for the marina, and 2 with no opinion.

Staff recommends approval of Marina License ML-95.

ACTION OF THE TRUSTEES:

Mr. Shevin asked for deferral as he thought there were some who did not know the matter was on the agenda.

Mr. Kuperberg explained that the project had been modified three times as a result of objections of other residents on the lakefront, the preponderance of mail was in favor of the

December 12, 1972

marina as a needed facility on the lake, and based on the last review the staff made a recommendation that the license be issued. He had no objection to deferral.

Mrs. Kenneth Morrison had asked to be heard but expressed satisfaction that the matter will be deferred until January 3, 1973.

Mr. Jack Brandon of Lake Wales, attorney representing Mr. and Mrs. R. F. Puterbaugh, discussed background information on the application, stating that this was the only marina on Crooked Lake since 1959, the existing facility had deteriorated and had to be closed to the general public, the primary purpose of the application was to rebuild and improve this family-owned marina facility in a deep water cove. He had spoken for his client on two occasions to the Board of Directors of the Defenders of Crooked Lake and the plan was modified twice in a good faith effort in this regard. The attorney said that the quality of life on Crooked Lake would not be impaired by the marina facility as the reports of the environmental agencies would corroborate.

On the request of the Attorney General, consideration of the application was deferred until January 3, 1973.

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TRUSTEES' BUDGET

Copies of this agency's 1973-74 Fixed Capital Outlay Budget request were distributed to the board members for review on December 6, 1972.

Staff requests approval of 1973-74 Fixed Capital Outlay Legislative Budget request to allow formal submittal to the Department of Administration.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, with the Governor abstaining, the Board approved the 1973-74 Fixed Capital Outlay Legislative Budget request.

-26 & 27-

HILLSBOROUGH COUNTY - Dredge Permit No. 29-24-0114
(Item 26) (July 24, 1972)

APPLICANT: Bay Dredging and Construction Company
P. O. Box 1484, Tampa, Florida

PROJECT: To dredge dead shell from submerged lands

LOCATION: Tampa and Hillsborough Bays, Hillsborough County.

MATERIAL: Approximately 300,000 cubic yards per year.

PAYMENT: Not applicable. Submerged lands owned by Tampa Port Authority.

STAFF

REMARKS: Field Operations objects to the shell dredging operation per se as turbidity generated by dredging operations of this type is difficult to control.

HILLSBOROUGH COUNTY - Dredge Permit No. 29-24-0115
(Item 27) (July 25, 1972)

APPLICANT: Benton and Company, Inc.
870 Third Street South, St. Petersburg, Florida

PROJECT: To dredge dead shell from submerged lands

December 12, 1972

LOCATION: Tampa and Hillsborough Bays, Hillsborough County

MATERIAL: Approximately 600,000 cubic yards per year

PAYMENT: Not applicable. Submerged lands owned by Tampa Port Authority.

STAFF

REMARKS: Field Operations objects to the shell dredging operation per se as turbidity generated by dredging operations of this type is difficult to control.

ECOLOGICAL

RESPONSES: Department of Natural Resources - In view of efforts being made to conserve marine habitat and improve water quality in Tampa Bay and Hillsborough Bay, serious consideration should be given to phasing out shell dredging.

Game and Fresh Water Fish Commission - We recommend against this project due to the destruction of biological resources that would occur.

Department of Pollution Control - Indications are that the proposed shell dredging has had and will continue to have definite adverse effects on local water quality. The applications, as submitted, should not be approved.

OTHERS: Tampa Port Authority issued permit.

Staff recommends issuance of Permit No. 29-24-0114 to Bay Dredging and Construction Company, and Permit No. 29-24-0115 to Benton and Company, Inc., subject to the following stipulations:

1. Installation of an electronic positioning system similar to that utilized by Radcliff Materials in Mobile Bay so that a permanent record of dredge sites can be maintained, this system to be installed within 6 months of the date of permit.
2. Proposed dredging areas should be designated at least one month in advance so that an inspection could be conducted before operations commence. The inspection will consist of but not be limited to biological, sedimentological, and hydrological investigations funded by the applicants. The report of such investigations will be made available for review by the environmental agencies. Trustees' staff will approve or deny use of each site on the basis of environmental agency recommendations.
3. No dredging will occur in Class II waters.
4. Dredging equipment shall be modified as necessary to bring the operation within applicable water quality standards utilizing advances in the state of the art. A progress report will be presented to the Trustees in 6 months with compliance expected within one year.
5. The volume of shell to be dredged will not exceed one million cubic yards per year per applicant.
6. Dredge cuts shall be made parallel to the axis of current flow.
7. Permits shall be reviewed each year. Said review shall consider all new data relating to shell dredging gathered throughout the preceeding year.
8. Violation of any of the foregoing conditions shall be grounds for revocation of permit.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone, to approve the staff recommendations.

December 12, 1972

Attorney General Shevin called attention to the Department of Natural Resources comment that serious consideration should be given to phasing out shell dredging. He noted the objections of environmental agencies, indication of decreasing need for shell, and asked if there might be an end to this type of activity or if the objections were no longer viable.

Mr. Kuperberg said there were present members of the environmental agencies who might wish to speak on this confusing problem, that the staff had commissioned a study by Dr. John L. Taylor for which the shell dredging industry contributed the cost into a trust fund, that the environmental agencies knew of the study and agreed that the long-range effects of shell dredging were not as deleterious as had been believed. The stipulations had been drawn up by the environmental agencies and accepted by the applicants.

Governor Askew added that they would be prohibited from dredging in Class 2 waters and that the Taylor report indicated that dredging under controlled circumstances may not be deleterious.

Mr. Randolph Hodges, Director of the Department of Natural Resources, said he recommended the in-depth study for which the industry contributed the cost, recommended a long-range study and agreed with the stipulations recommended on the agenda.

On the motion by Mr. Christian, seconded by Mr. Stone, passed without objection, the Trustees approved issuance of Permit No. 29-24-0114 to Bay Dredging and Construction Company and Permit No. 29-24-0115 to Benton and Company, Inc., subject to the stipulations recommended by the staff of the Trustees and the environmental agencies.

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On motion by Mr. Dickinson, seconded by Mr. O'Malley and passed without objection, the rules were waived and the minutes of November 14, 1972, were approved as submitted.

Attorney General Shevin brought up the Estero Bay Aquatic Preserve and asked the Director for background information on a question that had arisen as to whether or not inadvertently the cabinet had conveyed certain land in the preserve. The Attorney General said he had found in the minutes of action of the former administration that on December 8, 1970, the then Board of Trustees had approved a boundary line agreement on the basis that the land adjoined the aquatic preserve. When the present members signed the deed in September it was under the same premise, and if there was any error the Attorney General thought it might be corrected even at this late date. He asked the Executive Director to have the property surveyed and determine if the claims of those who contend the land is within the aquatic preserve are valid, and whether any further legal action might be taken.

Mr. Kuperberg explained that such a survey would probably take six months or more by several survey crews, of which the Trustees have only two for the whole state. He stated that the boundary agreement was entered into on December 8, 1970, in response to a court suit after the Wetstone suit, and the signing of the deed was a ministerial act on the part of the Trustees on the basis of a court settlement. He assured the Trustees the staff would not recommend that any part of the aquatic preserve be developed, that an owner was now in the process of acquiring the eastern shore of Estero Bay of which the tract would be a part. The applicant was well aware, Mr. Kuperberg stated, that the staff would not bring to the Board any plan not environmentally acceptable by today's standards, and after working with the staff almost a year this applicant had submitted one of the most environmentally enlightened plans the staff had reviewed.

Governor Askew commented that all the Trustees had been concerned regarding this matter and the staff should determine whether or not any further action might be taken to assure the protection of that area. The Governor said he recognized that signing of the deed was purely a ministerial action pursuant to a court settlement, that the survey was the whole problem to begin with - whether to follow the meander line according to the Wetstone decision or whether the mean high water line could be found. The settlement had been accomplished to protect much property that would have been lost if the meander line had been adjudicated as in the Wetstone case.

The Executive Director was requested to review the matter and make a further recommendation to the Trustees.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

RESOLUTION

OF

THE TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

WHEREAS, the Trustees of the Internal Improvement Trust Fund of the State of Florida (Trustees) have previously attempted to convey certain lands described on Exhibit "A" attached hereto and made a part hereof, the same as if set out in full herein, to the United States Government for use as the Biscayne National Monument, and

WHEREAS, the Trustees have on several prior occasions recognized that such conveyance would be in the best interest of the beneficiaries of the Trust, to wit, the people of the State of Florida. (Resolution of Trustees dated July 9, 1968, attached as Exhibit "B", Resolution of Trustees dated May 20, 1969, attached as Exhibit "C", "Offer to Sell Real Property" entered into on May 20, 1969, between Trustees and the United States of America through its agent, Department of the Army, attached as Exhibit "D"), and

WHEREAS, pursuant to the provisions of Section 253.62, Florida Statutes 1970 Supplement, the Trustees of the Internal Improvement Trust Fund of the State of Florida are authorized to convey to the United States of America state-owned lands in Dade County, held by the Trustees within the boundary of the proposed Biscayne National Monument, for the establishment of said Biscayne National Monument as set forth in Public Law 90-606 of the United States, for the preservation and protection of terrestrial, marine and amphibious life for the enjoyment of present and future generations, and

WHEREAS, the Secretary of the Interior, pursuant to the provisions of Public Law 90-606 of the United States, is authorized to accept title to said lands for the aforesaid purposes and for inclusion within the Biscayne National Monument and

December 12, 1972

WHEREAS, the United States Department of the Interior on June 12, 1970, declared the Biscayne National Monument established pursuant to the Public Law 90-606 of the United States (See 35 Fed. Reg. 9935), and

WHEREAS, the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered its Order on October 23, 1970, holding that Chapter 70-364 (Section 253.62, Florida Statutes 1970 Supplement) vests in the Trustees the authority to convey or contract to convey, all public bottoms or lands lying within the proposed Biscayne National Monument and one of the methods approved in said Order is by agreement for judgement in condemnation.

NOW THEREFORE BE IT RESOLVED BY THE TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, in consideration of the direct benefit to the people of the State of Florida by virtue of the United States of America's agreement to preserve the lands and bottom lands described on Exhibit "A" in a natural state for the enjoyment of present and future generations and for the accomplishment of the purposes contemplated within the purposes of said Public Law 90-606 of the United States, and under authority of and in accordance with the provisions of Section 253.62, Florida Statutes 1970 Supplement, the Trustees of the Internal Improvement Trust Fund of the State of Florida, do hereby reaffirm their agreement with the United States of America (for the purpose of creating the Biscayne National Monument), that the lands described in Exhibit "A" attached shall be condemned by the United States of America in the suit of United States of America vs. 95,064 Acres of Land situate in Dade County, Florida, and the State of Florida, now pending in the United States District Court for the Southern District of Florida (Civil Action 70-477) for the sum of One (\$1.00) Dollar and the consideration recited herein, and do hereby further agree to enter into a stipulation for entry of a judgement in condemnation, provided that such judgement shall not be finally entered until all other non-federally owned lands and bottom lands within the monument are acquired by the United States of America by gift, purchase or condemnation.

IN WITNESS WHEREOF, the Trustees have subscribed their names and caused the seal of the State of Florida, Board of Trustees of the Internal Improvement Trust Fund to be hereunto affixed, this 14 day of December, 1972.

REUBIN O'D. ASKEW
Governor

RICHARD STONE
Secretary of State

ROBERT L. SHEVIN
Attorney General

THOMAS D. O'MALLEY
Treasurer

FRED O. DICKINSON, JR.
Comptroller

DOYLE CONNER
Commissioner of Agriculture

FLOYD CHRISTIAN
Commissioner of Education

(SEAL)

As and constituting the State of Florida Board of Trustees of the Internal Improvement Trust Fund

December 12, 1972

Tallahassee, Florida
January 3, 1973

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg	Executive Director
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-1-

SANTA ROSA COUNTY - Advertise for Oil and Gas Lease
(November 8, 1972)

APPLICANT: Sun Oil Company
Dallas, Texas

REQUEST: Advertise for bids for an oil and gas lease.

LOCATION: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, Township 5 North,
Range 30 West, less the North 66 yards, containing
34 surface acres and 17 net mineral acres in
Santa Rosa County two miles southwest of the
Town of Jay.

INTEREST
OF STATE: The State of Florida under Chapter 18296, Acts
of 1937 (Murphy Act), holds an undivided reserved
one-half interest. Proceeds from the lease will
go to General Revenue unallocated.

The surface of this land is in private ownership.

The request has been reviewed by the Director of Interior
Resources, Department of Natural Resources, who concurs in
the following recommendation.

Recommend advertising for sealed bids for a five-year primary
term lease with annual rental of \$1 per net mineral acre, 1/6
royalty, \$50,000 surety bond and at least one test well every
2 $\frac{1}{2}$ years drilled to 6,000 feet or to a depth sufficient to test
the Norphlet Sands, whichever is deeper.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed
unanimously, the Trustees authorized advertisement of the
lease for sealed bids.

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ESCAMBIA COUNTY - Oil Lease Public Hearing

On November 17, 1972, a public hearing was held in the Town
Hall of the Town of South Flomaton, Florida, as required
by Section 253.52, Florida Statutes, to give all interested
persons an opportunity to be heard with respect to issuance
of two proposed oil and gas drilling leases.

One proposed lease covers the interest of the State (Murphy Act)
in several scattered parcels in Township 5 North, Range 31 West
and Township 6 North, Range 31 West, Escambia County, containing
102.22 net mineral acres. Humble Oil and Refining Company

January 3, 1973

submitted the high bid of \$107,426 for the lease on October 17, 1972. All proceeds from this lease will go to General Revenue unallocated.

The second proposed lease covers the interest of the Department of Transportation in portions of State Road 4, State Road 4-A and State Road 168 in Township 5 North, Range 31 West and Township 6 North, Range 31 West, Escambia County, containing 84.61 net mineral acres. Humble Oil and Refining Company submitted the high bid of \$5,052 for the lease on October 31, 1972. All proceeds from this lease will go to the Department of Transportation.

Notice of the public hearing was published the required one time in the Pensacola News-Journal. No one appeared at the hearing in opposition to issuance of the two leases.

It is recommended that each lease be issued to Humble Oil and Refining Company, the high bidder.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed unanimously, the Trustees authorized issuance of the two oil and gas drilling leases to Humble Oil and Refining Company, the high bidder.

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HENDRY COUNTY - Oil Lease Assignment
(October 30, 1972)

APPLICANT: Robert Mosbacher
1300 Main Street, Houston, Texas 7002

REQUEST: Robert Mosbacher, holder of State Drilling Lease No. 2610, requests consent and approval to assign a 50% interest in lease to Shell Oil Company and a 25% interest in lease to Sun Oil Company.

LOCATION: 880 net mineral acres being one-half interest of the Trustees in W $\frac{1}{2}$ of Section 19, N $\frac{1}{2}$ and SW $\frac{1}{4}$ of Section 21, N $\frac{1}{2}$ of Section 29 and all of Section 31 in Township 46 South, Range 31 East, Hendry County.

LEASE TERM: Five years from August 1, 1972.

Executed instrument of assignment has been filed and approved as to form by the Trustees' legal staff.

Recommend approval and consent to assignment.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone and Mr. Conner, and passed unanimously, approving and consenting to the lease assignment.

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DUVAL COUNTY - Road Right of Way Easement
(November 1, 1972)

APPLICANT: City of Jacksonville
Department of Housing and Urban Development
220 East Bay Street, Jacksonville, Florida 32202

REQUEST: Easement for public road widening purposes.

LOCATION: The easterly 21 feet of a parcel fronting 180.5 feet on Pearl Street owned by the Trustees in use by the Division of Health, Department of Health and Rehabilitative Services, in Section 37, Township 2 South, Range 26 East, Duval County.

January 3, 1973

The purpose of the easement is to allow the widening of Pearl Street and construction of a new bridge across Hogan Creek.

The Department of Health and Rehabilitative Services has reviewed and approved the easement.

Recommend issuance of the easement to the City of Jacksonville for public road purposes.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. O'Malley and passed unanimously, authorizing issuance of the right of way easement for public road purposes.

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HIGHLANDS COUNTY - Water Line Easement
(October 9, 1972)

APPLICANT: City of Avon Park

REQUEST: An easement for water and utility purposes across state land in use by the Department of Health and Rehabilitative Services as the Alcoholic Rehabilitation Center near Avon Park.

LOCATION: A twenty-foot wide strip 3,142 feet long in Sections 34 and 35, Township 33 South, Range 28 East, Highlands County.

The easement requested covers the water line constructed by the state at the time the Alcoholic Rehabilitation Center was built. In order to insure accessibility for future maintenance and repair of the water line, the city desires an easement for this purpose.

The Department of Health and Rehabilitative Services has reviewed and approved the easement.

Recommend issuance of an easement to the City of Avon Park for water and utility purposes only.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Dickinson and passed unanimously, authorizing issuance of the easement to the City of Avon Park, for water and utility purposes only.

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PALM BEACH COUNTY

APPLICANT: Department of Transportation
Tallahassee, Florida

REQUEST: A 50-year lease of a 2.18-acre parcel of land at Glades Correctional Institution at Belle Glade for use as a maintenance facility.

DESCRIPTION: Part of Lot 5, Section 20, Township 43 South, Range 37 East, Palm Beach County.

The parcel is located next to the Palm Beach County office and maintenance yard, Everglades Fire Control office, Department of Agriculture office, South Florida Conservancy District office and State Road No. 15.

As this parcel is under the use and control of the Department of Health and Rehabilitative Services and a part of the Glades Correctional Institution, that Department reviewed and approved the transfer of this property to the Department of Transportation for a maintenance facility.

January 3, 1973

Recommend leasing the 2.18-acre parcel to the Department of Transportation for 50 years for location of a maintenance facility.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone and passed unanimously, approving lease of the parcel of land to the Department of Transportation as requested.

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POLK COUNTY - Right of Way Easement File 2410-53-253.03
(November 15, 1972)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: Bridge construction across the Peace River for State Road No. 700. No dredging or filling of sovereignty land is required.

LOCATION: 1.01-acre parcel of sovereignty land in Peace River abutting the Southwest quarter of the Southeast quarter, Section 26, Township 31 South, Range 25 East, Polk County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: Not applicable.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: The Department of the Army, Corps of Engineers, interposed no objection to the project.

Staff requests authority to issue the right of way easement subject to acquisition of the adjoining uplands by the Department of Transportation.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Dickinson and Mr. Conner, passed unanimously, authorizing issuance of the right of way easement to the Department of Transportation subject to acquisition of the adjoining uplands by that Department.

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BROWARD COUNTY - Bulkhead and Fill Permit 253.124-245
(April 11, 1972)

APPLICANT: City of Pompano Beach
Richard C. Mills, City Engineer
Post Office Drawer 1300
Pompano Beach, Florida 33060

PROJECT: To construct a bulkhead and backfill submerged lands along the easterly shore of the Intracoastal Waterway under the provisions of Chapter 253.124(8), Florida Statutes.

LOCATION: Approximately 756 feet south of Northeast 14th Street, Pompano Beach, Florida in Section 30, Township 48 South, Range 43 East, Broward County.

January 3, 1973

MATERIAL: 250 cubic yards of backfill material to be obtained from upland sources.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - To avoid creating a pocket, the seawall should be located as proposed by the applicant. To compensate for the elimination of intertidal rubble, riprap should be placed along the proposed seawall. Riprap provides habitat for various marine organisms and dissipates wave energy.

Game and Fresh Water Fish Commission - The subject area is one of the few remaining unbulkheaded shorelines along this section of the Intracoastal Waterway. Properties immediately north and south have already been bulkheaded and filled, making the subject area into what appears to be a stagnant pocket. If the area is a pocket we would expect productivity to decline in the future. However, the area is presently productive, and we recommend that it not be filled because of the biological destruction that would take place.

Department of Pollution Control - Construction of bulkhead adjacent to existing bulkhead is considered exempt from the certification requirements of Public Law 91-224.

- NOTES: 1. Petition by 32 residents received in favor of the bulkhead construction.
2. Affidavits from two disinterested parties received, attesting to loss of land due to artificially induced erosion.
3. City of Pompano Beach has declared the subject area to be a health hazard.

Staff recommends issuance of Permit 253.124-245 with the stipulation that riprap be placed along the face of the seawall.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. O'Malley and passed unanimously, approving issuance of Permit No. 253.124-245 with the stipulation that riprap be placed along the face of the seawall.

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BROWARD COUNTY - Fill Permit 253.124-244
(March 21, 1972)

APPLICANT: City of Pompano Beach
c/o Richard C. Mills, City Engineer
Post Office Drawer 1300
Pompano Beach, Florida 33060

PROJECT: To reconstruct a previously existing bulkhead that failed and allowed erosion of uplands due to boat wakes.

LOCATION: Approximately 860 feet north of Atlantic Boulevard on the West shore of the Intracoastal Waterway; Lots 17, 18 and 19, Block 5, Harbor Village, Section B, Broward County.

MATERIAL: Fill to be obtained from upland sites.

January 3, 1973

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations - No objections.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Bottoms in the subject area are not vegetated. Unprotected portions of the subject shoreline are exposed to eroding forces of boat wakes. The proposed seawall would not have significant adverse effects on marine biological resources. Rubble from the deteriorating seawall to be removed could be placed waterward of the proposed seawall as riprap.

Game and Fresh Water Fish Commission - The subject area is one of the few remaining shallow, rock shorelines along this section of the Intracoastal Waterway. These habitats must be preserved to maintain the present diversity and abundance of organisms. Therefore, we recommend that the seawall be constructed along the existing high water line and that no fill be placed on submerged lands.

Department of Pollution Control - No objection.

- NOTES: 1. The city commission ordered work to be done by city due to failure of upland owner to comply with city directive to build the wall.
2. Two affidavits have been received concerning the loss of land due to artificially-induced erosion.
3. The city has agreed to the placement of riprap in front of the proposed seawall.

Staff recommends issuance of Permit 253.124-244 with the stipulation that riprap be placed in front of the seawall.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. O'Malley and passed unanimously, approving issuance of the fill permit with the stipulation that riprap be placed in front of the seawall.

-10-

DUVAL COUNTY - Dredge Permit No. 253.123-721
(October 20, 1972)

APPLICANT: Fred L. Ahern
c/o Harbor Engineering Company
1039 Flagler Avenue, Jacksonville, Florida

PROJECT: To revise an existing permit approved by the Board of Trustees April 11, 1972, to include the use of two previously utilized spoil sites.

LOCATION: Approximately 3,000 feet and 6,000 feet south-westerly of the Intracoastal Waterway in Section 41, Township 2 South, Range 29 East and Section 25, Township 2 South, Range 28 East respectively, Duval County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF REMARKS: Field Operations - No objection provided spoil areas are diked prior to depositing material.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The spoil area has been revised to include only uplands and

January 3, 1973

previously used spoil sites. As the revised project meets with recommendations set forth in our previous report dated January 14, 1971, the project should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends approval of modification to Permit 253.123-721 provided the spoil areas are adequately diked prior to deposition of material.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, that modification of the permit be approved subject to the provision recommended by the staff for adequate diking of the spoil areas prior to deposit of the material.

-11-

ESCAMBIA COUNTY - Dredge and Fill Permit 17-31-0119
(August 15, 1972)

APPLICANT: City of Pensacola
c/o Harry S. Ely, Jr., City Engineer
Post Office Box 1471, Pensacola, Florida 32502

PROJECT: To dredge to improve navigation, conduct limited filling of submerged land, install 700 feet of riprap seawall and construct a weir across an existing canal.

LOCATION: Pensacola Bay, northerly shore approximately 3/4 mile east of Bayou Chico Waterway.

MATERIAL: 4,300 cubic yards of material to be removed from sovereignty lands.

PAYMENT: Not applicable. Spoil to be deposited on city-owned uplands.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Dredging bottoms in the channel and canal should have only limited adverse effects on marine biological resources. Care should be taken to control siltation. Also, efforts should be made to properly construct and maintain dikes to prevent spoil overflow onto nearby bay bottoms.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Permit 17-31-0119 subject to the recommendations of the Department of Natural Resources and the maintenance of adequate spoil area dikes.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, the Trustees approved issuance of the permit subject to the recommendations of the Department of Natural Resources and the maintenance of adequate spoil area dikes.

-12-

This application from Indian Lake Maintenance, Inc., was withdrawn, modified and shown as item 37 in these minutes.

-13-

PUTNAM COUNTY - Dredge Permit 253.123-990
(January 25, 1972)

APPLICANT: O. E. McClain
1307 East 12th Street, Jacksonville, Florida 32206

PROJECT: To construct a canal and turning basin with boat ramp 50' x 50' x -6', also a navigation channel 150' x 30' x -6'.

LOCATION: Crescent Lake, Section 2, Township 12 South, Range 27 East, Putnam County.

MATERIAL: Approximately 400 cubic yards of material will be removed from sovereignty land and placed on privately owned upland.

PAYMENT: \$200 has been received for the material at standard rates.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objections provided:

1. The combined length of the canal and turning basin should not exceed 50 feet.
2. A plug should remain in the canal outlet until all upland dredging is completed to minimize turbidity problems.
3. Spoil from the upland dredging should be used to build a small dike to prevent the spoil pumped from the navigation channel from returning to the lake.

Department of Pollution Control - No objections.

NOTE: The applicant has agreed to the stipulations of the Game and Fresh Water Fish Commission.

Staff recommends issuance of Dredge Permit 253.123-990 with the stipulations recommended by the Game and Fresh Water Fish Commission.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and Mr. Christian, passed unanimously, the Trustees approved issuance of the dredge permit subject to the above three stipulations recommended by the Game and Fresh Water Fish Commission.

-14-

PUTNAM COUNTY - Dredge Permit No. 54-25-0225
(November 2, 1972)

APPLICANT: E. G. Cremer
Route 3, Box 335, Palatka, Florida 32077

PROJECT: To dredge part of an embankment along an existing canal in the St. Johns River. The excavation will be 50 feet wide by 100 feet long.

January 3, 1973

LOCATION: Section 4, Township 11 South, Range 26 East,
Putnam County.

MATERIAL: 1,200 cubic yards of upland to be dredged and
placed on adjacent uplands.

PAYMENT: None. State-owned submerged lands not involved.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners of Putnam County
approved application on September 21, 1972.

Staff recommends issuance of Permit No. 54-25-0225.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed
unanimously, issuance of the dredge permit was approved.

-15-

VOLUSIA COUNTY - Dredge Permit No. 253.123-1182
(June 15, 1972)

APPLICANT: Hall Lodge, Inc.
c/o C. R. Lucas
Route 1, Box 119, Astor, Florida 32002

PROJECT: To dredge an existing boat basin and channel
connected to St. Johns River and deposit spoil
on lodge property within basin.

LOCATION: Section 29, Township 15 South, Range 28 East, east
shore of St. Johns River, immediately south of
State Road No. 40, Astor, Volusia County.

MATERIAL: 30,000 cubic yards of material to be dredged from
privately-owned submerged lands.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations - No objection provided spoil
area is diked prior to dredging and turbidity
curtains used at confluence with river during
operations. Also, recommend decreasing the depth
from -12 feet to -8 feet.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Deferred to
Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objection,
provided the outlet canal is diaped throughout the
operation to prevent introduction of turbidity into
the river.

Department of Pollution Control - No objection.

Staff recommends issuance of Permit No. 253.123-1182 provided
the spoil area is diked prior to dredging, turbidity curtains
are utilized, and the depth is limited to -8' mean low water.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, issuance of the permit was authorized subject to the provisions recommended by the staff and the Game and Fresh Water Fish Commission.

-16-

COLLIER COUNTY - Artificial Reef Permit 11-32-0173
(September 25, 1972)

APPLICANT: Naples Cruise Club, Inc.
c/o Edward F. Venn
1876 5th Street South, Naples, Florida 33940

PROJECT: Re-establish an artificial reef.

LOCATION: Gulf of Mexico approximately 4,250 yards offshore of Naples Municipal Pier. Approximately 81 degrees 50' 45" West Longitude, 26 degrees 07' 45" North Latitude.

MATERIAL: Approximately 10,000 auto tires weighted with concrete initially, plus discarded concrete material for stability depending upon availability 5 feet above natural bottom with 16 feet water cover (21 feet depth).

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - We heartily endorse the construction of artificial fishing reefs in selected sites in Florida's offshore waters. Periodic remedial measures must be taken and the Naples Cruise Club is to be commended for meeting their responsibilities. Great care must be taken to insure that the "discarded concrete materials" are large conglomerates which will not fragment. Also, the tires must be weighted and otherwise secured to prevent their movement.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Endorsed by City Council Resolution 1808
November 20, 1972.

Staff recommends issuance of Artificial Reef Permit 11-32-0173.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed unanimously, the Trustees approved issuance of the artificial reef permit to Naples Cruise Club, Inc.

-17-

DADE COUNTY - Artificial Reef Permit No 2518
(August 21, 1972)

APPLICANT: Miami Sport Fishing Club
Post Office Box 35
Olympia Headquarters Station
Miami, Florida 33165

PROJECT: To revise original Permit No. 2518 to incorporate into the provisions of the permit metal relics consisting of trailer and container bodies used in oceanborne commerce.

January 3, 1973

LOCATION: Reef A - 25 degrees 25' 21" North Latitude,
80 degrees 06' 45" West Longitude
Reef B - 25 degrees 31' 41" North Latitude,
80 degrees 05' 16" West Longitude
Reef C - 25 degrees 33' 42" North Latitude,
80 degrees 05' 02" West Longitude

MATERIAL: Trailer and container bodies used in oceanborne commerce, metal boat cradles, barges, ships and weighted tires.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

Staff recommends approval of modification of Artificial Reef Permit No. 2518.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed unanimously, the Trustees authorized modification of the artificial reef permit as requested.

-18-

BROWARD COUNTY - Renewal of Marina License No. ML-39
(November 7, 1972)

APPLICANT: Jungle Queen, Inc.
c/o McLaughlin Engineering Co.
400 NE 3rd Avenue, Ft. Lauderdale, Florida 33301

PROJECT: To renew ML-39 for one year.

LOCATION: Section 17, Township 50 South, Range 42 East,
South Fork of New River, Broward County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF
REMARKS: Field Operations - An on-site inspection revealed that the licensed installation is in good repair and constructed according to the permit drawing.

ECOLOGICAL
RESPONSES: Not applicable.

Staff recommends renewal of ML-39 for one year at fee indicated.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, renewal of Marina License No. ML-39 for one year was approved.

-19-

BROWARD COUNTY - Renewal of Marina License No. ML-47
(November 6, 1972)

APPLICANT: George Harrison
Capital Growth Corporation
3000 NE 32nd Avenue, Fort Lauderdale, Florida

January 3, 1973

PROJECT: To renew ML-47 for one year.

LOCATION: Section 30, Township 49 South, Range 43 East,
Intracoastal Waterway, Broward County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF
REMARKS: Field Operations - An on-site inspection revealed
that the authorized construction was conducted
according to the terms of the engineer's drawing
and that everything is in order.

ECOLOGICAL
RESPONSES: Not applicable.

Staff recommends renewal of ML-47 for one year at fee indicated.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed
unanimously, renewal of Marina License No. ML-47 for one
year was approved.

-20-

COLUMBIA COUNTY - Marina License and Construction Permit
No. 12-30-0130
(August 9, 1972)

APPLICANT: U. S. Forest Service
U. S. Department of Agriculture
Post Office Box 1050
Tallahassee, Florida 32302

PROJECT: To construct a public fishing pier in Watertown
Lake, Columbia County, covering an area of 600
square feet.

LOCATION: Section 27, Township 3 South, Range 17 East,
Watertown Lake, Columbia County.

MATERIAL: Not applicable.

PAYMENT: Request waiver of fee.

STAFF
REMARKS: Field Operations - No objection. Increased use
may create problems associated with parking and
refuse disposal. If this small lake is to be opened
to greater use, consideration of the foregoing should
be a factor.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Deferred to Game
and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Marina License and Construction
Permit No. 12-30-0130 with waiver of fee, subject to adequate
control of parking and litter problems.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed
unanimously, the Trustees authorized issuance of Marina License
and Construction Permit No. 12-30-0130 without fee, subject to
adequate control of parking and litter problems.

-21-

DADE COUNTY - Marina License and Construction Permit
No. 13-30-0177
(September 7, 1972)

APPLICANT: Edward Porter
c/o Lazaro Milton
2700 Southwest 23rd Terrace, Miami, Florida 33145

PROJECT: To construct a concrete deck to be located on
applicant's property at 711 NE 23rd Terrace,
Miami, Florida, covering 900 square feet.

LOCATION: Lot 23 and South $\frac{1}{2}$ of Lot 22, Bay Breeze Subdivision,
Dade County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Marina License and Construction
Permit No. 13-30-0177 for one year at fees indicated.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed
unanimously, the Trustees authorized issuance of Marina License
and Construction Permit No. 13-30-0177 as recommended.

-22-

SARASOTA COUNTY - Renewal of Marina License ML-42
(November 1, 1972)

APPLICANT: Frederick F. Lutz
1810 Phillippi Shores Drive, Sarasota, Florida 33581

PROJECT: To renew ML-42 for one year.

LOCATION: Section 7, Township 37 South, Range 18 East,
Phillippi Creek, Sarasota County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF

REMARKS: Field Operations - On-site inspection revealed
construction has been in accordance with approved
plans.

ECOLOGICAL

RESPONSES: Not applicable.

Staff recommends renewal of ML-42 for one year at fee indicated.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed
unanimously, the Trustees authorized renewal of Marina License
ML-42 for one year as recommended.

-23-

GADSDEN COUNTY - Right of Way Easement File No. 2488-20-253.03
(November 30, 1972)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida 32304

PROJECT: Highway and bridge construction for Section 50001-2403, Road 8 (I-10), Little River. No dredging or filling of submerged land is required.

LOCATION: 0.66-acre parcel of sovereignty land in Little River abutting Section 34, Township 2 North, Range 3 West, Gadsden County.

PAYMENT: None.

STAFF REMARKS: Not applicable.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff requests authority to issue the Right of Way Easement.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. O'Malley and passed unanimously, authorizing issuance of the right of way easement to the Department of Transportation.

-24-

CHARLOTTE COUNTY - Bulkhead Line and Fill Permit
No. 08-10-285

At the applicant's request the Trustees deferred consideration of a bulkhead line adopted by the Board of County Commissioners of Charlotte County on August 22, 1972, and filling to reclaim lands lost by erosion.

-25-

BREVARD COUNTY - Dredge Permit No. 253.123-1188

The applicant, Canaveral Port Authority, requested deferral of consideration of a dredge permit for the construction of a channel connecting an existing borrow pit to the Canaveral Barge Canal on Merritt Island, pending the outcome of a hearing by the Department of Pollution Control.

Without objection, the Trustees deferred consideration of the dredge permit application.

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PALM BEACH COUNTY - Construction Permit and Marina License
No. 50-30-0141
(August 30, 1972)

APPLICANT: Acme Fish Company
Felix and Pauline Lanes
20th and Avenue B, Riviera Beach, Florida 33404

PROJECT: To rebuild an existing commercial dock in Lake Worth, Palm Beach County.

January 3, 1973

LOCATION: Section 28, Township 42 South, Range 43 East,
Palm Beach County.

MATERIAL: Not applicable.

PAYMENT: \$201.40 annual fee received.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Marina License and Construction
Permit No. 50-30-0141.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr.
Dickinson, passed without objection, the Trustees approved
issuance of Marina License and Construction Permit 50-30-0141.

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PALM BEACH COUNTY - Marina License Renewal Permit No. ML-8
(November 20, 1972)

APPLICANT: Arvida Corporation
701 South Ocean Boulevard
Boca Raton, Florida 33432

PROJECT: To renew ML-8 for one year.

LOCATION: Section 29, Township 47 South, Range 43 East,
Lake Boca Raton, Palm Beach County.

MATERIAL: Not applicable.

PAYMENT: \$231.83 annual fee received.

STAFF

REMARKS: Field Operations - No objections.

ECOLOGICAL

RESPONSES: Not applicable.

Staff recommends renewal of ML-8 for one year at fee indicated.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed
without objection, the Trustees approved renewal of Marina
License ML-8 as recommended.

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TAYLOR COUNTY - Marina License Renewal Permit No. ML-15
(November 28, 1972)

APPLICANT: L. E. Files
Post Office Box 109, Steinhatchee, Florida 32359

PROJECT: To renew Marina License No. ML-15 for one year.

LOCATION: Section 25, Township 9 South, Range 9 East,
Taylor County.

MATERIAL: Not applicable.

January 3, 1973

PAYMENT: \$100 minimum annual fee received.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Not applicable.

Staff recommends issuance of ML-15 for one year at fee indicated.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved renewal of Marina License ML-15 as recommended.

-29-

ORANGE COUNTY - Drainage Easement
Correction of Description

APPLICANT: Board of County Commissioners of Orange County

REQUEST: Drainage easement across a portion of the
Sunland Training Hospital in Orlando, Florida.

LOCATION: The East 100 feet of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and South 40
feet of West 124.84 feet of East 224.84 feet of the
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ in Section 14, Township 22 South, Range
28 East, Orange County, Florida.

ECOLOGICAL
RESPONSES: Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

STAFF REMARKS: Field Operations has no objections.

On April 8, 1972, the Board of County Commissioners of Orange County approved accepting a drainage easement across the hospital property for the benefit of Laurel Homes, Inc., a developer owning land south of the Hospital. The Department of Health and Rehabilitative Services had reviewed and approved issuance of the easement to the county, provided maintenance is assumed by the county.

On September 19, 1972, the Trustees approved granting a non-exclusive drainage easement to Orange County as requested, but the description in the agenda item, recorded in the minutes and in the easement, was incorrect. The description should have been as follows:

The East 100 feet of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and
South 40 feet of West 238.84 feet of East
338.84 feet of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ in Section 14,
Township 22 South, Range 28 East, Orange County,
Florida.

Request authority to correct the description to that shown
above in the minutes of September 19, 1972, and in Easement
No. 25349 dated November 15, 1972, to the Board of County
Commissioners of Orange County.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees authorized the description to be corrected as requested, both in the minutes of September 19, 1972, and in Easement No. 25349 dated November 15, 1972, to the Board of County Commissioners of Orange County.

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MANATEE COUNTY - Construction Permit No. 41-39-0298
(December 7, 1972)

APPLICANT: City of Bradenton
Post Office Drawer 730
Bradenton, Florida 33505

PROJECT: To replace the existing deteriorated dam which creates the Ward Lake Reservoir. No dredging or filling will be involved. This reservoir is the sole raw water supply for the city of Bradenton.

LOCATION: Section 15, Township 35 South, Range 18 East, Braden River, Manatee County.

MATERIAL: Concrete piling and rock rubble to come from upland sources.

PAYMENT: City requests waiver of processing fee and biological report as project is in the public interest.

STAFF

REMARKS: Dam was constructed in 1939. New structure will be of concrete piling driven as near as practical to the existing dam. Rock rubble will be placed on each side of dam for protection.

NOTE: Environmental agencies were contacted regarding this emergency matter. All indicated there would be no objection to the project as described provided project is designed and constructed in such a way as to minimize turbidity resulting from construction.

Staff recommends that the biological report be waived as provided under Section 253.123(3)(a) Florida Statutes, that processing fee be waived as the project is in the public interest, and that Construction Permit 41-39-0298 be issued with the understanding that all possible precautions will be taken to minimize turbidity.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, the Trustees waived the biological report as provided under Section 253.123(3)(a) Florida Statutes for this work in the public interest, and approved issuance of Construction Permit 41-39-0298 provided all possible precautions will be taken to minimize turbidity resulting from the work at the Ward Lake Reservoir.

Mr. Kuperberg said that while the staff had followed the procedure allowed by law permitting waiver of processing fees and studies, the environmental agencies were informally contacted and had no objections.

-31-

DUVAL - NASSAU COUNTY

Congressman Charles E. Bennett advised us that the prospects for the establishment of his proposed Florida Frontier River National Cultural Park in the Nassau Valley and down the Intracoastal Waterway to the St. Johns River are good for 1973.

He has requested that the Board of Trustees withhold issuance of permits for works in this area until the Congress has had opportunity to act on his bill.

Staff recommends that the Board of Trustees withhold issuance of new construction permits in this area until after January 1, 1974.

January 3, 1973

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. O'Malley and passed unanimously, to withhold issuance of new construction permits until after January 1, 1974, in the area of the proposed Florida Frontier River National Cultural Park in the Nassau Valley and down the Intracoastal Waterway to the St. Johns River, as requested by Congressman Charles E. Bennett.

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the rules were waived for consideration of applications added to the original agenda.

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The minutes of the meeting on November 29, 1972, were approved without objection.

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ESCAMBIA COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Humble Oil and Refining Company
by G. Thomas Smith
Pensacola, Florida

REQUEST: Consideration of Oil and Gas Lease Bids.

LOCATION: The state land under and surrounding Stone Lake in Section 12, Township 5 North, Range 31 West, and Section 7, Township 5 North, Range 30 West, Escambia County, containing 244 surface acres and 234 net mineral acres.

INTEREST

OF STATE: The Trustees hold fee title to this tract which is leased to the Game and Fresh Water Fish Commission for its use and benefit.

Proceeds from this lease will go to the Game and Fresh Water Fish Commission.

The right is reserved by the Game Commission to approve or disapprove the drilling of any wells proposed on the leased land surrounding the lake. The Game Commission has requested that the Commission be given an opportunity to review all bids received prior to award being made.

The lease requires an annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one test well every 2½ years drilled to 6,000 feet or to a depth sufficient to test the Norphlet Sands, whichever is deeper.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and the Pensacola Journal with bids to be opened at 10:00 a.m. (EST) on January 3, 1973, for consideration by the Trustees. The right to reject any or all bids is reserved.

Before lease can be issued, it is necessary to hold a public hearing to allow interested persons to be heard with respect to issuance of lease. The hearing is required by Section 253.52, Florida Statutes, when a lease area lies within a radius of three miles of the boundary of any incorporated city or town. The corporate boundary of the Town of South Flomaton lies within three miles of the lease area.

Recommend that James T. Williams of the Trustees' staff be designated to conduct the public hearing pursuant to law and report to the Trustees the results of the hearing.

ACTION OF THE TRUSTEES:

Mr. James T. Williams of the Trustees' office, Land Records Division, read the one bid received which was from Murphy Oil Corporation of El Dorado, Arkansas, in the total amount of \$20,388.42 representing a bonus per net mineral acre of \$86.13. He mentioned the request of the Game Commission to review the bids prior to award being made.

On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, the Trustees received the bid of Murphy Oil Corporation to be held pending review by the Game and Fresh Water Fish Commission, designated Mr. Williams to conduct the public hearing pursuant to law, and directed the staff to bring the matter back to the Board to make the award of the lease.

-34-

POLK COUNTY - Marina License No. ML-95
(April 7, 1972)

On December 12, action was deferred at the request of the Attorney General.

APPLICANT: R. F. Puterbaugh
Post Office Box 165, Babson Park, Florida 33827

PROJECT: Construction of marina facility covering ^{7,636}~~9,166~~ square feet of sovereignty land in Crooked Lake.

See minutes
May 21,
1974, for
corrections

LOCATION: Section 6, Township 31 South, Range 28 East, Polk County.

MATERIAL: None. No dredging is required.

PAYMENT: ^{152.72}~~\$189.32~~ annual fee for marina license.

STAFF

REMARKS: Field Operations - Cody Cove is 1,500 feet wide. The proposed dock would extend 224 feet into the cove leaving 1,276 feet of open water for boating and skiing.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Requested Game and Fresh Water Fish Commission to make the inspection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

- OTHERS:
1. The majority of the Board of Directors, Defenders of Crooked Lake, object to the marina.
 2. Sixteen letters received objecting to the marina.
 3. Five letters received in favor of the marina.
 4. Petition with 43 signatures received in favor of the marina.
 5. Petition with 23 signatures received in favor of the marina.
 6. Fifty-five post cards received in favor of the marina.
 7. One hundred fifty-one postcards received constituting a poll of the members of the Defenders of Crooked Lake. The results of the poll showed 123 votes against the marina, 26 for the marina, and 2 with no opinion.

Staff recommends approval of Marina License ML-95.

ACTION OF THE TRUSTEES:

The Executive Director said the staff did not consider the request to reconstruct and lengthen the existing marina unreasonable. There had been local concern about the expansion and the staff worked with the applicant on behalf of the objectors, twice obtaining reductions in length. There were no biological objections to the proposed floating extension of 224 feet into the water from the ordinary high water mark and there would remain about 1,276 feet of open water beyond the end of the requested dock.

Motion was made by Mr. Stone, seconded by Mr. Dickinson, to accept the staff recommendation for approval of the modified application.

Mr. Kenneth D. Morrison speaking as the official representative of the Defenders of Crooked Lake, said a fact sheet was sent to each member and objected stating that the marina would unduly obstruct public use of a public lake and detract from its natural beauty. He said there were other points of access to the lake and that the Defenders had indicated to Mr. Puterbaugh that they would not object to reconstruction of the present pier.

Mrs. Helen C. Morrison expressed concern as to the safety hazard to skiers and urged protection of the natural beauty of this state-owned lake. She said the highest use of the lake would be for people instead of boat storage, and a petition of adjacent property owners objected that lights across the lake at night might be a public nuisance in addition to other objections.

Mr. Jack Brandon, applicant's attorney, said in this beautiful 22,000 acre body of water used extensively for recreation, his client operated the only marina in this deep-water sheltered cove, the only boat storage facility for non-residents. It had been a family-operated business since 1959, but it had deteriorated and his client wished to improve the situation.

Mr. O'Malley, noting that the major objections were the length and the roof of the proposed expanded marina, suggested the building of dry storage facilities on the upland. He said the reason for extension into the water appeared to be a purely economic one, this was not a public marina, and there were other places of access to the lake. Mr. O'Malley said he appreciated the staff trying to work out a compromise but he was not in favor of the extension into the lake.

Mr. O'Malley offered a substitute motion, seconded by Mr. Shevin, to approve issuance of a marina license to refurbish the existing facilities with a floating dock and no added length.

Mr. Dickinson was shown on a map that the existing dock was within the cove and did not extend into the main area of Crooked Lake.

Mr. Christian commented that the Defenders were mainly the owners of property around the lake, but the lake belonged to all the public and he would support the staff recommendation.

The Governor called for a vote on the substitute motion which failed to pass.

Recurring on the original motion, the Trustees accepted the staff recommendation to approve the modified marina application on a vote of five to two, with Mr. O'Malley and Mr. Shevin voting "No".

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GULF COUNTY - Dredge Permit No. 23-21-0254
(December 19, 1972)

This application is placed on the addendum at the request of the Secretary of State.

January 3, 1973

APPLICANT: Hess Oil and Chemical Corporation
 Amerada Hess Corporation
 c/o Benton Associates, Inc.
 512 East 15th Street
 Panama City, Florida 32401

PROJECT: Maintenance dredging of 7,500 cubic yards of material from St. Joseph Bay adjacent to the applicant's terminal located at Port St. Joe.

LOCATION: Section 2, Township 8 South, Range 11 West, Gulf County.

MATERIAL: 7,500 cubic yards of material to be placed on applicant's property behind existing bulkheads.

PAYMENT: \$3,750 received as payment for 7,500 cubic yards of material at standard rates.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection;
 (1) diaphragms or other silt retention barriers should be installed around dredge operations to prevent excessive turbidity and siltation, especially in an Aquatic Preserve; (2) if necessary, the applicant should also construct dikes around the upland spoil disposal area to insure that the dredged materials are adequately retained on uplands.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Permit No. 23-21-0254 subject to the stipulations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

The staff had received a report dated January 2, 1973, from the Department of Pollution Control which made four recommendations and no objections provided the recommendations were followed.

Mr. Kuperberg asked that the staff recommendation be amended by adding, "and the Department of Pollution Control."

Motion was made by Mr. Christian, seconded by Mr. Conner and passed without objection, approving issuance of the permit subject to the stipulations of the Department of Natural Resources and the Department of Pollution Control.

-36A-

WAKULLA COUNTY - Right of Way Easement File No. 2487-65-253.03
 (November 15, 1972)

APPLICANT: Department of Transportation
 Tallahassee, Florida

PROJECT: Highway and bridge construction for State Road S-372 Section 59510-2602, across Otter Creek. Some dredging is required.

LOCATION: 0.19-acre parcel of sovereignty land abutting Section 2, Township 6 South, Range 2 West, Wakulla County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

January 3, 1973

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: The United States Department of the Interior, Fish and Wildlife Service, by letter July 14, 1971, reaffirmed its permit of March 13, 1951.

Staff requests authority to issue the Right of Way Easement.

ACTION OF THE TRUSTEES:

Mr. Kuperberg advised the Board that the land in 36A and 36B was within the boundaries of the St. Marks Refuge of the United States Fish and Wildlife Service.

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees approved issuance of the right of way easement for highway and bridge construction.

-36B-

WAKULLA COUNTY - Dredge Permit No. 65-37-0265
(November 14, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To conduct limited dredging of submerged land in connection with replacement of an existing bridge.

LOCATION: Section 2, Township 6 South, Range 2 West, Otter Creek, Wakulla County.

MATERIAL: 393 cubic yards to be removed and deposited on public land.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations has no objection provided measures to control turbidity are employed during construction.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection provided sloping riprap structures which provide suitable artificial habitat for the propagation of marine animals be utilized.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

NOTE: The Department of Transportation has revised this application to eliminate all filling of submerged lands and the need for a bulkhead line. Riprap will be utilized except in the channel area.

OTHERS: Wakulla County approved the project on October 4, 1972.

Staff recommends issuance of Permit No. 65-37-0265.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees approved issuance of Permit No. 65-37-0265 to the Department of Transportation.

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POLK COUNTY - Dredge Permit No. 53-21-0026
(April 15, 1972)

The preceding item 12 on this agenda was withdrawn, modified and relisted as 37.

APPLICANT: Indian Lake Maintenance, Inc.
c/o Andrew Adamson, Administrator
Post Office Box 381
Indian Lake Estates, Florida 33855

PROJECT: To dredge to improve navigation in Lake Weohyakapka at the mouth of two access channels into Indian Lake Estates subdivision.

LOCATION: Lake Weohyakapka, Polk County, Section 2, Township 31 South, Range 29 East.

MATERIAL: 400 cubic yards of material to be removed from sovereignty bottoms.

PAYMENT: \$200 received as payment for sovereignty material at standard rates.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - Deferred to
Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objection provided: 1) reduction of size of the 150-foot wide dredge areas to areas 50 feet wide and 200 feet long, 2) placement of all spoil material above the 62-foot contour line, 3) removal of all spoil material placed below the 62-foot contour line due to prior construction, thus restoring the natural slope of the lake bottom.

Note: The applicant has advised that he will modify his project to conform with the Game and Fresh Water Fish Commission recommendations.

Department of Pollution Control - No objection.

Staff recommends approval of Permit No. 53-21-0026 subject to the stipulations of the Game and Fresh Water Fish Commission.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and Mr. O'Malley, and passed without objection, the Trustees approved issuance of Permit No. 53-21-0026 subject to the stipulations of the Game and Fresh Water Fish Commission.

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ST. LUCIE COUNTY - Channel Maintenance Dredging
(June 19, 1972)

On November 29, 1972, this application was deferred 30 days.

The Board of Commissioners of the Fort Pierce Port and Airport Authority in meeting on June 13, 1972, adopted Resolution No. 72-8 which sets forth the Board's efforts to obtain a spoil area to accommodate the material to be removed in scheduled maintenance dredging in the existing channel and turning basin.

A portion of the material is suitable and will be placed on the South Beach in connection with the erosion control program.

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Due to the distance involved and the character of the material, it is not feasible to place all of the spoil on the beach. State and federal agencies, including the Florida Game and Fresh Water Fish Commission and the Federal Bureau of Sports Fisheries and Wildlife, have objected to the use of certain publicly-owned spoil areas. The Port authority has proposed the use of Coon Island, a publicly-owned spoil island, and has proposed two privately-owned spoil areas as alternates, subject to the waiving of the 50 cents per cubic yard charge for sovereignty materials.

The Board of Commissioners requests waiver of the 50 cents per cubic yard charge for 100,000 yards of material to be placed on privately-owned uplands by the Corps of Engineers or its agents or contractors.

At the Trustees meeting on November 29, 1972, the Authority withdrew its recommendation of Coon Island as a publicly-owned spoil site. Trustees' staff was directed to review its recommendation in light of this new development.

Additional field studies were requested of the environmental agencies. No suitable public site, other than Coon Island, could be located.

Staff recommends that the portion of the projects's spoil which is unsuitable for beach nourishment be placed upon private uplands after adequate dikes and sedimentation controls have been installed and upon payment of 50¢ per cubic yard for such quantity as is deposited upon the private uplands.

ACTION OF THE TRUSTEES:

Subsequent to withdrawal of the Coon Island spoil site and disapproval by the environmental team of additional spoil areas, the staff had reviewed its recommendation and the issue remained payment for some 100,000 cubic yards of material proposed to be deposited on private property. The Director stated that under the June 1971 fill policy adopted by the Trustees, the Board might give special consideration to public navigation projects.

Mr. Weldon B. Lewis and Mr. Edward G. Enns were present on behalf of the Fort Pierce Port and Airport Authority. Mr. Enns reviewed the problem and proposed deposit of spoil of uncertain quality on private uplands, the only available site. He said the Corps of Engineers had classified the material unusable, that the County Engineer would monitor the project and acceptable material would be used to renourish the eroded south beach. He stated that private owners would not pay for unwanted material and the Port Authority, a public agency, operated on tax monies.

Governor Askew said any enhancement value to the private land might be determined by examination of the spoil site by the Trustees' staff working with the Authority before and after deposit of material, and an adjustment might be made by charging not more than fifty cents for material of usable fill quality. He commented that payment by the Port Authority would be a business cost and the economy of the county would benefit from the maintenance project.

Mr. Lewis acknowledged that the payment compromise might be better than payment for all material. However, he thought the Port Authority would have difficulty in negotiating with the two upland owners because they had no need for the spoil and, in fact, might have a problem ultimately getting rid of silty deposits.

Mr. Christian felt that the Port Authority could work out arrangements with the private owners by paying for the material, pointing out that payment might be much less than the staff originally recommended.

In response to Mr. Shevin's question, the Director said the suggestion of the Governor could be accomplished, that such a procedure was recommended by the original fill study committee

in 1971 but was too cumbersome to follow in all cases, that the staff would cooperate with the Port Authority and could have the land appraised in its present condition. The Governor added that it couldn't be done in all instances, but this procedure was for a public body as an exception.

The procedure for payment of not more than fifty cents per cubic yard only for material of usable quality as determined by the staff was accepted as a modified staff recommendation, and on motion by Mr. Christian, seconded by Mr. Shevin and Mr. Dickinson, adopted without objection, the Trustees denied waiver of payment for material from the maintenance dredging project to be deposited on private lands and approved the modified staff recommendation.

LEE COUNTY - Estero Bay Lands

Responding to the Attorney General's question regarding Estero Bay, the Executive Director said a staff review was under way, the staff had checked with the Chief Cadastral Surveyor of the United States and the Manager of the Eastern States Land Office and thought there was need for a federal survey of the area as the problem went back to the original federal survey. Mr. Kuperberg was in touch with the Windsor and Troutman interests and thought there would be a solution satisfactory to all parties. He would not recommend any project that would encroach upon the aquatic preserve, and the area in contention hopefully would be removed from the proposed Troutman development.

Governor Askew said an actual renegotiation of the agreement was close to accomplishment, that development would require state permits. He felt that what had been lost sight of was the position the state had been in as a result of the 1970 Wetstone decision. It would not have been in the best interest of the state to let the Windsor trust have land out to the meander line in the event litigation had been lost in the way of the Wetstone case.


Mr. Dickinson expressed the position of the Trustees as having acted in 1970 on information that the area within the boundary settlement was not in the aquatic preserve. It is not now known that the survey was erroneous, and a solution is being sought in fairness and protection of the estuary.

Mr. Conner asked to be kept informed on the progress of any surveying. The Governor advised him that there were only four United States Bureau of Land Management survey crews to make surveys of this kind, but obviously the Trustees would do everything possible to insure that the interest of the public is fully protected. The Director added that the problems between the private owners and the state might be resolved within two weeks but he did not know how long it might take for the federal government to make a new survey.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

* * * *

Tallahassee, Florida
January 16, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

The Executive Director reported that the cutting of cypress trees along the Peace River in Polk County in an area that appears to be below the mean high water line, protested by concerned citizens, was stopped pending an investigation by state and local authorities. The cutting had been done by J. A. Martin, owner of the lumber mill, on property reported to be owned by International Mining Corporation and Mobile Chemical Corporation. Approximately fifty trees had been cut and cutting was stopped in those areas in the flood plain until a staff survey team could determine whether the cutting was on state or private land.

-1-

Consideration of the first agenda item was passed over until later in the meeting.

-2-

BREVARD COUNTY - Application for Contract Purchase Deed
File No. 24745 (2012-05)
(December 14, 1972)

STAFF

DESCRIPTION: A tract of submerged land in the Indian River abutting Section 15, Township 22 South, Range 35 East, City of Titusville, Brevard County.

PURCHASERS: Cecil C. Streepy and Rosalie H. Streepy, his wife.

APPLICANTS'

REPRESENTATIVE: G. S. Goshorn
Post Office Box 157
Titusville, Florida 32780

ACREAGE: 2.88 acres.

RATE: \$1,500 per acre or \$4,320 for the parcel.

PAYMENT: The contract purchasers have paid the full amount of \$4,320 plus \$505.17 interest, under the terms of the contract.

On January 9, 1968, the Trustees unanimously confirmed sale to the applicants, and Contract for Land Purchase was executed by the Trustees February 1, 1968.

Evidence has been submitted of the death of Mr. Streepy.

The Trustees' field investigator reports no evidence of fill being placed on the parcel.

Staff advised the applicant that based upon the concern expressed by the state environmental agencies, it would be extremely doubtful that applicant would be able to develop

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the submerged land purchased. Staff offered to submit to the Trustees a recommendation for refund in lieu of issuing a deed. Applicant advised that she preferred that the deed be issued.

Staff requests authority to issue the deed to Rosalie H. Streepy.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed unanimously, the Trustees authorized issuance of the deed to Rosalie H. Streepy for \$4,320.00.

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HILLSBOROUGH COUNTY - Request for duplicate Murphy Act deed
(December 6, 1972)

APPLICANT: W. S. Mixon

REPRESENTED

BY: Tampa Abstract Division
Chelsea Title and Guaranty Company
Post Office Box 2288, Tampa, Florida 33601

REQUEST: Issuance of duplicate Hillsborough County Deed No. 762 to W. S. Mixon. The original Murphy Act deed, sale of January 18, 1941, was lost and never placed of record in the Public Records of Hillsborough County, Florida.

Recommend issuance of duplicate Murphy Act deed to W. S. Mixon for \$25, the usual cost for issuance of a duplicate deed.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed unanimously, issuance of the duplicate deed was approved.

-4-

DADE COUNTY - Application of Bal Harbour Village for establishment of an erosion control line pursuant to Section 161.161, Florida Statutes.

APPLICANT: Village Council of Bal Harbour Village.

PROJECT: Beach nourishment program of Bal Harbour Village bordering Atlantic Ocean from Baker's Haulover Jetty to South Village boundary. (See location description).

LOCATION: See description in Exhibit A-2 and survey of line (including alternate in Exhibit A-1) attached to Report of Public Hearing submitted herewith.

STAFF

REMARKS: Public hearing pursuant to Section 161.161, F.S., was held in Bal Harbour Village, as authorized by the Trustees at the meeting of Sept. 6, 1972. The hearing was recessed, to be reconvened before the Trustees after submission of the report of the proceedings in Bal Harbour Village. The sole objector to the original survey of the erosion control line was Bal Harbour Towers, Inc., represented at the hearing by its general manager, Mr. Sol M. Taplin, for reasons set forth in the report of hearing submitted to the Trustees. All other conditions precedent to the establishment of an erosion control line required by Section 161.161, F.S., have been met.

Staff recommends that the beach nourishment project be approved and that the erosion control line for Bal Harbour Village be fixed by the Trustees in accordance with the alternative location surveyed by Bal Harbour Village, the northerly portion of which is 25 feet seaward of the line of mean high tide, in consideration of the granting to Bal Harbour Village of an easement of access to the beach by Bal Harbour Towers, Inc., and the fixing of the line as surveyed and described in Exhibit A-2 be conditioned upon said grant.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. O'Malley and passed unanimously, the staff recommendation was approved as the action of the Board.

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DADE COUNTY - Dredge Permit No. 253.123-1063
(January 11, 1972)

APPLICANT: Bal Harbour Village
Fred W. Maley, Manager
655-96th Street, Bal Harbour, Florida 33154

PROJECT: To dredge from three offshore borrow areas and place the material along the beaches of Bal Harbour Village.

LOCATION: Section 26, Township 52 South, Range 42 East, Atlantic Ocean, Dade County.

MATERIAL: Approximately 1,600,000 cubic yards of sand to be dredged.

PAYMENT: Not applicable, as material will not be placed on private lands.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.
Recommends that:

(1) Dredging be done in such a manner that turbidity will be held to a minimum and that the areas containing the greatest quantity of sand be utilized and depleted first before moving to other areas to keep the area affected by the turbidity to a minimum.

(2) Turbidity control dike system be established as soon as possible in the fill area.

(3) Department of Pollution Control be notified when work commences.

Staff recommends issuance of Permit No. 253.123-1063 subject to the stipulations of the Department of Pollution Control.

ACTION OF THE TRUSTEES:

Mr. Kuperberg noted that the cabinet approved on today's Department of Natural Resources agenda a coastal construction permit to artificially restore the Atlantic Ocean beaches in the Village of Bal Harbour.

On motion by Mr. Christian, seconded by Mr. O'Malley and passed unanimously, the Trustees authorized issuance of Permit No. 253.123-1063 subject to the stipulations of the Department of Pollution Control.

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Responding to Mr. Stone's inquiry, the Director said the staff had met a number of times in regard to the erosion project in Dade County southward from Bal Harbour to Government Cut. This was a matter wherein the Department of Natural Resources, Bureau of Beaches and Shores, had principal jurisdiction, but the Director could report his understanding that progress was being made.

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DUVAL COUNTY - Construction Permit No. 16-12-0006
(November 9, 1972)

APPLICANT: Import Auto Service, Inc.
c/o Harbor Engineering Company
1615 Huffingham Lane
Jacksonville, Florida 32216

PROJECT: To replace an existing wooden bulkhead with steel interlocking sheet pile.

LOCATION: Section 45, Township 2 South, Range 27 East,
St. Johns River, Duval County - North side of
Mathews Bridge.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations - No objection

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.
Department of Pollution Control - No objection.

Staff recommends issuance of Construction Permit No. 16-12-0006.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed unanimously, the Trustees authorized issuance of the construction permit.

-7-

PINELLAS COUNTY - Construction Permit & Marina License
Permit No. 52-30-0264
(November 15, 1972)

APPLICANT: W. L. Hutchins
2165 Gulf-to-Bay Boulevard, Lot 421
Clearwater, Florida 33515

PROJECT: To construct a commercial dock 10 feet by 120 feet covering 1,200 square feet of submerged land.

LOCATION: Section 8, Township 29 South, Range 15 East,
Pinellas County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee, received.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.
Game and Fresh Water Fish Commission - No objection.

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Department of Pollution Control - No objection.

OTHERS: Pinellas County Water and Navigation Control
Authority approved permit on October 31, 1972.

Staff recommends issuance of Construction Permit and Marina License No. 52-30-0264.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed unanimously, the Trustees authorized issuance of the construction permit and marina license.

-8-

COLLER COUNTY - Oil Lease Assignment

APPLICANT: Exchange Oil and Gas Corporation
New Orleans, Louisiana 70112

REQUEST: Exchange Oil and Gas Corporation, holder of State Drilling Lease No. 2350-S, requests consent and approval to assign to The South Coast Corporation, a Florida corporation, an undivided 12.5% interest in lease.

LOCATION: Section 16, Township 47 South, Range 28 East, Collier County.

INTEREST
OF STATE: The Board of Education holds an undivided one-half interest in the petroleum.

LEASE TERM: Five years from October 15, 1968.

Executed instrument of assignment has been filed and approved as to form by the Trustees legal staff.

Recommend approval and consent to assignment.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and Mr. Stone, passed unanimously, the Trustees approved and consented to the oil lease assignment.

-9-

PALM BEACH COUNTY - Seismic Survey Permit
(November 22, 1972)

APPLICANT: Shell Oil Company
Post Office Box 1411
Arcadia, Florida

REQUEST: Permission to conduct a seismic survey across state-owned land.

LOCATION: A line across Sections 15, 16, 21, 22, 28 and 34, Township 46 South, Range 35 East and Section 27, Township 47 South, Range 35 East, Palm Beach County.

Sections 15 and 16 are subject to a grazing lease held by Pelican Bay Co-op which has reviewed and consented to the proposed survey.

The Central and Southern Florida Flood Control District has no objection, provided all shot holes are outside of district rights of way for Levee L-23 or L-24 (Miami Canal).

The Game and Fresh Water Fish Commission has no objection to the survey.

The Department of Natural Resources, Division of Interior Resources, has reviewed and approved the request conditioned upon Shell plugging any holes drilled with cement, after returning all cuttings into the hole.

Recommend granting Shell Oil Company permission to conduct its survey across the seven sections of state land subject to the conditions set forth above.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Christian and passed unanimously, the Trustees granted to Shell Oil Company the permission requested subject to the conditions set forth above.

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SANTA ROSA COUNTY - Electric Distribution Line Easement
(November 27, 1972)

APPLICANT: Escambia River Electric Cooperative, Inc.
Jay, Florida

REQUEST: Easement for an electrical distribution line for the purpose of supplying electrical power to the proposed Blackwater River State Forest Environmental Training Center, which is a Division of Forestry sponsored facility.

LOCATION: A twenty-foot wide strip located in Sections 12 and 13, Township 3 North, Range 26 West, Santa Rosa County.

The Division of Forestry, Department of Agriculture and Consumer Services has reviewed and approved issuance of the easement.

Recommend issuance of easement to Escambia River Electric Cooperative, Inc., for electric distribution line purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Christian and passed unanimously, the Trustees authorized issuance of easement as recommended by the staff.

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ESCAMBIA COUNTY - Recreational Development Purpose Lease
(November 1, 1972)

APPLICANT: Board of County Commissioners of Escambia County.

REQUEST: Long term lease covering a parcel of land fronting on Santa Rosa Sound for recreational development purposes.

LOCATION: 1½ acres, more or less, on Santa Rosa Island in Township 3 South, Range 30 West, Escambia County.

This parcel of land is being deeded to the State by Escambia County in return for a 99-year lease back to the county in order that the county may be eligible for a grant of \$44,000 from the Florida Recreation Development Assistance Program. This money will be utilized by the county in constructing outdoor recreational facilities on the parcel.

The Department of Natural Resources on August 1, 1972, authorized the grant following conveyance of title to the Trustees and lease back to the county.

Recommend leasing the 1½-acre parcel to Escambia County for public outdoor recreation, park and conservation purposes for a period of 99 years.

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ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed unanimously, the staff recommendation was approved as the action of the Board.

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ESCAMBIA COUNTY - Recreational Development Purpose Lease
(November 1, 1972)

APPLICANT: Board of County Commissioners of Escambia County.

REQUEST: Long term lease covering a parcel of land fronting the Gulf of Mexico on Santa Rosa Island for recreational development purposes.

LOCATION: 3.03 acres on Santa Rosa Island in Township 3 South, Range 30 West, Escambia County.

This parcel of land is being deeded to the State by Escambia County in return for a 99-year lease back to the county in order that the county may be eligible for a grant of \$50,000 from the Florida Recreation Development Assistance Program. This money will be utilized by the county in constructing outdoor recreational facilities on the parcel.

The Department of Natural Resources on August 1, 1972, authorized the grant following conveyance of title to the Trustees and lease back to the county.

Recommend leasing the 3.03-acre parcel to Escambia County for public outdoor recreation, park and conservation purposes for a period of 99 years.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed unanimously, the staff recommendation was approved as the action of the Board.

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HILLSBOROUGH COUNTY - Recreational Development Purpose Lease
(October 27, 1972)

APPLICANT: Board of County Commissioners of Hillsborough County.

REQUEST: Long term lease covering a parcel of land on the Alafia River for recreational development purposes.

LOCATION: 5.69 acres in Government Lot 3, Section 23, Township 30 South, Range 19 East, Hillsborough County.

This parcel of land is being deeded to the State by Hillsborough County in return for a 99-year lease back to the county in order that the county may be eligible for a grant of \$50,000 from the Florida Recreation Development Assistance Program. This money will be utilized by the county in constructing outdoor recreational facilities on the parcel.

The Department of Natural Resources on September 28, 1971, authorized the grant following conveyance of title to the Trustees and lease back to the county.

Recommend leasing the 5.69-acre parcel to Hillsborough County for public outdoor recreation, park and conservation purposes for a period of 99 years.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed unanimously, the staff recommendation was approved as the action of the Board.

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BREVARD COUNTY - Additional five-year extension, through January 31, 1978, of a deed provision, File No. 23274-A(1177-05) Corrective. (December 27, 1972)

APPLICANT: School Board of Brevard County
By: Wayne H. White, Superintendent
3205 South Washington Avenue
Titusville, Florida 32780

LOCATION: A 12-acre parcel of filled sovereignty land in the Banana River abutting Section 27, Township 24 South, Range 37 East, Brevard County.

STAFF
REMARKS: On January 14, 1963, the Trustees authorized conveyance of the parcel with provision for reversion in the event the land was not filled and used for the construction of a public school facility which would be in use within five years from the date of Deed No. 23274(1174-05).

The parcel has been filled, but a school has not been constructed. On December 4, 1967, the Trustees authorized a five-year extension through January 31, 1973, and Deed No. 23274-A(1174-05)-Corrective was issued. A total of \$96,977.53 has been expended in preparing the site for construction.

Recent population growth patterns in the area indicate a need for the parcel to be used for a school site in the future.

Staff recommends extension of the reverter provisions contained in Deed No. 23274-A(1174-05)-Corrective for a five-year period extending through January 31, 1978.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed unanimously, the Board extended the reverter provisions for a five-year period, through January 31, 1978.

-15-

COLLIER COUNTY - Campsite Lease
(January 3, 1973)

APPLICANT: Roy H. Cogburn, et al
3041 Northwest Seventh Street
Miami, Florida 33125

PROJECT: Roy H. Cogburn, Frank Inscho, Allen Gillette, Ray L. Clement and Richard L. Spaulding, have requested a lease on a campsite which was purchased in 1957. The existing structure was rebuilt in 1965.

LOCATION: A one-quarter acre tract of submerged land in Township 53 South, Range 28 East, Fakahatchee Bay, the center being located at the approximate intersection of Latitude 25 degrees 52.45' North and Longitude 81 degrees 29.6' West, Collier County.

PAYMENT: \$300 has been submitted for the first year's rental, from July 1, 1972 to July 1, 1973.

STAFF
REMARKS: Sewage facilities have been approved by the Collier County Health Department. Leases are given for one year with option to renew for an additional four years at annual rental of \$300.

January 16, 1973

Staff recommends issuance of campsite lease in accordance with policy adopted on April 7, 1970, which requires all structures in existence to be under lease for so long as the structure remains in existence, and provided that sanitary facilities are installed by the lessee to prevent discharge of any raw sewage from the site.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Dickinson and passed unanimously, the Trustees authorized issuance of the campsite lease subject to the provisions recommended by the staff.

-16-

BREVARD COUNTY - Request to Terminate Dredge and Fill Permits
No. 253.123-694 and 253.124-155 approved
January 26, 1971

APPLICANT: Kenneth L. Sagrans
c/o Kendall T. Moran
Post Office Box 1286
Titusville, Florida 32780

PROJECT: To dredge 4,000 cubic yards of material and fill .37
acre of submerged land.

LOCATION: Section 10, Township 22 South, Range 35 East,
Indian River, in Brevard County.

STAFF
REMARKS: Field Operations - A field check indicates that all
fill was trucked in and no dredging was done. The
surveys indicate that there has been no fill placed
on sovereignty land.

NOTE: This applicant has requested that the permits be
terminated since the work has been completed and the
previously posted bond will not be released by the
bonding company as long as the permit is in force.

Staff recommends that Permits 253.123-694 and 253.124-155 be
rescinded as requested by the applicant.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed
unanimously, Permits 253.123-694 and 253.124-155 were rescinded.

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ST. JOHNS COUNTY - Fill Permit No. 51-11-0247
(November 16, 1972)

APPLICANT: Wallace G. Kitchel
754 Renault Drive, Atlantic Beach, Florida 32233

PROJECT: To construct a vertical seawall along 100 feet of
the Intracoastal Waterway. The seawall will be
placed up to 35 feet waterward of the existing shoreline.

LOCATION: Lot 47, East Coast Canal Estates, Unit No. 4,
St. Johns County.

MATERIAL: Fill to be trucked in from upland sources.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations - No objections.

ECOLOGICAL
RESPONSES: Department of Natural resources - The use of riprap
material for bulkheading is strongly advised on
hydrographic and biological grounds.

January 16, 1973

Game and Fresh Water Fish Commission - No objection. Recommend that riprap material be placed in front of the proposed seawall to increase the biological productivity in the area.

Department of Pollution Control - Certification not required.

- OTHERS: 1. St. Johns County has no objection to the proposed bulkhead.
2. Two affidavits received attesting to loss of land through artificially induced erosion.

Staff recommends issuance of permit 51-11-0247 with the stipulation that the seawall be of riprap construction or be faced with riprap.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian to approve the recommendation.

Mr. Conner said he would vote affirmatively provided applicant had a county permit, whereupon the Governor suggested modification of the recommendation.

Mr. Christian accepted the modification and on his motion, seconded by Mr. Conner and passed unanimously, the Trustees authorized issuance of the permit with the riprap stipulation and subject to approval by St. Johns County.

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ST. LUCIE COUNTY - Dredge and Construction Permit 56-30-0262
(November 14, 1972)

APPLICANT: Outdoor Resorts of America, Inc.
c/o Floranda Engineering
309 East Jackson Street, Orlando, Florida 32801

PROJECT: To construct a 47 ft. 8 in. clear span bridge at the Nettles Island Causeway in Indian River. Excavation to be limited to the causeway fill to facilitate installation only. No further dredging required.

LOCATION: At Nettles Island Causeway in the Indian River, Section 3, Township 37 South, Range 41 East, St. Lucie County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations - No objections.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Permit No. 56-30-0262 as this bridge will provide tidal circulation through an existing solid fill causeway.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed unanimously, the Trustees authorized issuance of the dredge and construction permit for the bridge. The Governor felt that there were other places where this should be done to provide tidal circulation.

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ST. LUCIE COUNTY - Construction Permit No. 56-30-0319
(October 16, 1972)

APPLICANT: J. Scituro
c/o Wood, Beard and Associates, Inc.
Post Office Box 1449
Fort Pierce, Florida 33450

PROJECT: To replace an existing private access bridge across
North Fork of the St. Lucie River, 1,400 feet in
length.

LOCATION: Section 9, Township 36 South, Range 40 East, North
Fork of St. Lucie River, St. Lucie County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: 1. Central and Southern Flood Control District - No
objection.

2. Board of County Commissioners of St. Lucie County
approved permit on July 25, 1972.

Staff recommends approval of Permit No. 56-30-0319.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and
passed unanimously, the Trustees approved Permit No. 56-30-0319
to Mr. Scituro.

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MARTIN COUNTY - Marina License Assignment ML-12
(December 14, 1972)

APPLICANT: Miramar Park, Inc.
330 Wilma Circle, Riviera Beach, Florida

PROJECT: Request that Marina License ML-12 issued in the
name of John A. Herbert, be assigned to Miramar
Park, Inc., a Florida Corporation.

LOCATION: Section 19, Township 40 South, Range 43 East,
Martin County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Not applicable.

ECOLOGICAL
RESPONSES: Not applicable.

Staff recommends assignment of ML-12 to Miramar Park, Inc.,
a Florida Corporation.

January 16, 1973

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed unanimously, the Trustees approved assignment of the marina license to Miramar Park, Inc., a Florida corporation.

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SARASOTA COUNTY - Marina License and Construction Permit
 No. 56-30-0176
 (September 18, 1972)

APPLICANT: Beach Harbor Club, Inc.
 3800 Gulf of Mexico Drive
 Sarasota, Florida 33577

PROJECT: To construct a fishing and boat dock for use by
 apartment residents, extending 60 feet into
 Sarasota Bay.

LOCATION: Section 6, Township 36 South, Range 17 East,
 Longboat Key, Sarasota County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of Construction Permit and Marina
 License No. 56-30-0176.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed unanimously, the Trustees authorized issuance of construction permit and marina license to the Beach Harbor Club, Inc.

-22-

BAY COUNTY - Marina License Renewal No. ML-50
 (December 4, 1972)

APPLICANT: Guy-Rogers Marine, Inc.
 5323 North Lagoon Drive
 Panama City, Florida 32401

PROJECT: To renew Marina License ML-50 for one year.

LOCATION: Sections 9, 10, 15, 16, Township 4 South, Range 15
 West, Bay County.

MATERIAL: Not applicable.

PAYMENT: \$878 annual fee received

STAFF

REMARKS: Field Operations - Work is still proceeding.
 The work that has been completed is in accordance
 with the permit issued.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Not applicable.

Game and Fresh Water Fish Commission - Not applicable.

Department of Pollution Control - Not applicable.

Staff recommends renewal of Marina License ML-50 for one year.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Dickinson and passed unanimously, renewal of the marina license for one year was approved.

Mr. Kuperberg stated that the staff did have its meeting with the marina operator's association, resolved a number of issues, and would bring before the Trustees some proposed changes in marina licenses and recommendations for alternatives.

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the rules were waived for consideration of the applications added to the original printed agenda.

-23-

MARTIN COUNTY - Dredge Permit No. 253.123-1168
(May 5, 1972)

APPLICANT: Conch Cove, Inc.
c/o Lindahl-O'Brien, Inc.
Post Office Box 727, Jupiter, Florida 33458

PROJECT: To dredge two channels connecting an upland lagoon with the navigable waters of Jupiter Sound. The northernmost channel will be 50 feet wide and will be one foot deep at mean low water where the channel penetrates the mangrove fringe and berm. The south channel will be 50 feet wide by -5 feet deep at mean low water.

LOCATION: Section 19, Township 40 South, Range 43 East, Martin County.

MATERIAL: Approximately 564.05 cubic yards of spoil to be removed from sovereignty lands. All material will be placed landward of the mean high water line.

PAYMENT: Applicant tendered his check for \$1,246.52 as payment for 1,246.52 cubic yards of material at the standard yardage rate of \$1 per cubic yard.

The amended application requires the removal of only 564.05 cubic yards of material for which the charge will be \$564.05. Therefore, refund of overpayment should be made.

STAFF

REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES:

Department of Natural Resources, Game and Fresh Water Fish Commission, Department of Pollution Control, Trustees Staff and the applicant have agreed to the following revisions of the project:

1. The northernmost channel will terminate at the waterward edge of the mangrove fringe.
2. This channel will be located to take advantage of the existing break in the mangrove fringe and berm located approximately 50 feet north of where it is presently shown.
3. This channel will penetrate the existing berm at a depth that will allow the exchange of water of approximately a minus one foot depth.

OTHERS: 1. Loxahatchee River Environmental Control District approved the proposal.

January 16, 1973

2. Florida Inland Navigation District - No objection.

Staff recommends refund of the overpayment of \$682.47 and issuance of Permit No. 253.123-1168 as revised subject to the following stipulations: (1) All upland excavation shall be completed prior to connecting with the open waters of Jupiter Sound. (2) The red mangroves removed from the channel areas will be replanted in the area.

ACTION OF THE TRUSTEES:

On this application pending for almost a year, the Director stated that there was a controversy with the environmental agencies that had been worked out by revisions acceptable to all agencies and the applicant, recommended by the staff.

On motion by Mr. Christian, seconded by Mr. Dickinson and passed unanimously, the Trustees authorized issuance of the permit for the revised dredging project subject to the stipulations recommended by the staff. The Board also approved refund of the \$682.47 overpayment.

-24-

POLK COUNTY - Land Exchange

On November 29, 1972, the Trustees approved an agreement with Ringling Bros. and Barnum & Bailey Circus World, Inc., (Circus World) to exchange a 49½-acre parcel of land utilized by the Department of Agriculture and Consumer Services in its citrus budwood investigations, appraised at \$495,000 by staff appraiser, for certain other land with real property improvements of equal value.

Under the terms of the agreement the state has three years to locate suitable land for the exchange and advise Circus World to make necessary improvements in order to make the land suitable for relocation of the budwood facility.

The Department of Agriculture and Consumer Services has selected 80 acres of land planted in citrus described as the SW¼ of SW¼ of Section 26, N¼ of NE¼ of NW¼ of Section 35, SW¼ of SE¼ of SW¼ of Section 26 and Lot 3, Florida Highlands Subdivision, Plat Bood 1, Page 87, also described as the NE¼ of NW¼ of NE¼ of Section 34, all in Township 28 South, Range 27 East, Polk County, Florida. This land is east of the Town of Dundee and three miles east of U.S. Highway 27 on top of one of the highest hills in Central Florida. This land has been appraised by William P. Pardue, Jr., MAI, SREA, at \$330,800. The appraisal has been reviewed and approved by Trustees' staff appraiser.

The difference in values of \$164,200 will be expended by Circus World to improve the 80-acre tract by moving certain citrus trees and buildings from the 49½-acre present budwood site to the new location and to construct new buildings as directed by the department to make the new location suitable to the state's needs, allowing expansion of the budwood program.

Request (1) Authority to notify Circus World to purchase the 80 acres and execute a deed to the Trustees conveying the land to the state;

(2) Authority to execute a deed to Circus World conveying the 49½-acre budwood tract;

(3) Appointment of the Secretary of State to act as escrow agent to deliver deeds involved to the respective grantees when the department is satisfied that the conditions of the exchange have been met.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Conner and passed unanimously, the Trustees approved the three-part request set out above, the Governor commenting that he understood this would double the revenue potential of the budwood program.

-25-

Without objection, the minutes of the meeting on December 12, 1972, were approved as submitted.

-26-

After brief comments on the efforts of the Governor and Director toward a new settlement involving the Trustees, the owners (Windsor trust), and developers (Troutman), the Board proceeded into discussion of the first agenda item before consideration of the agendaed recommendation on the Windsor trust lands.

-1-

COLLIER COUNTY - Application to Purchase, File 2583-11-253.12
(July 3, 1972)

STAFF DESCRIPTION: Three parcels of filled sovereignty land in the Cocohatchee River abutting Section 17, Township 48 South, Range 25 East.

- A. CITY AND COUNTY - Collier County
- B. APPLICANTS: Miles Scofield, et al
- C. APPLICANTS' REPRESENTATIVE: Stanley W. Hole
Post Office Box 1516, Naples, Florida 33940
- D. ACREAGE: 13.66 acres.
RATE PER ACRE: \$500 per acre or \$6,830 for the parcel.
- E. APPRAISAL: By Hamilton Hunter, M.A.I. and S.R.A.,
June 16, 1972. \$500 per acre for 13.44
acres as of April 7, 1965. Reviewed
by staff appraiser October 26, 1972.
- F. PURPOSE: Development in accordance with county zoning.
- G. BIOLOGICAL REMARKS: Not applicable. The parcels were
previously filled under permits.
- H. STAFF REMARKS: The parcels of land involved lay within the
area described in Trustees Deed No. 12,479 dated December 14,
1883. It has been determined that some of the land was
tidal in character and not swamp and overflowed land within
the meaning of the Swamp Land Act of 1850.

These parcels of land were filled after the Collier County Commissioners established a bulkhead line in accordance with the provisions of Section 253.122, F.S., and issued a permit under the provisions of Section 253.124, F.S. The Board of Trustees approved both the bulkhead line and the fill permit on February 23, 1965. The staff on this same date wrote the U.S. Army Corps of Engineers that the Trustees did not object to the issuance of its permit.

The applicant relied on this information and proceeded to fill these lands in accordance with the approved and issued permits.

It now appears that applicant acted to his own detriment by relying on the approvals by local, state and federal authority.

Advertisement for objections to the sale was authorized November 29, 1972. Advertisement was made in the Naples Daily News. Eight letters objecting to this sale have been received as of Friday, January 5.

Recommend that the sale be confirmed at the appraised value of \$6,830.

January 16, 1973

ACTION OF THE TRUSTEES:

As background information Mr. Kuperberg said the Trustees in 1965, acting on information and recommendation of the staff that all these lands were in private ownership, did hear and approve the bulkhead line and permit to fill certain lands in the Cocohatchee or Palm River exactly in accord with the request submitted by Collier County, and "no protested" to the Corps of Engineers. In 1969 the northerly parcel was sold to David Jones, Miles Scofield retaining interest in the southerly parcel

When Mr. Scofield dredged to restore sloughed-off filled land he was stopped because his permit had expired. He paid the triple price for material removed without permit and on November 10, 1970, the Trustees approved a seawall and backfill permit for the southerly parcel that was issued but Mr. Scofield has not done the work. On the northerly parcel, Mr. Jones filed a seawall application, pending when Mr. Kuperberg became Director in April 1971. Mr. Jones modified his application to comply with environmental recommendations.

In the course of preparing the application for the agenda, the Director had John DuBose of the Trustees' staff review the file with respect to title, and he had reported that the land was partially swamp and overflowed lands. After several discussions with the applicant, the staff insisting sovereignty lands were involved that could not have been conveyed in a swamp and overflowed land deed, the applicant finally concluded that if the staff would work with applicant's engineers to determine where the mean high water line had been at the time of filling and an appraisal of the land was made, he was willing to resolve the problem by purchasing the land in question. Mr. Kuperberg said his decision in view of the equities was to recommend sale of the land that was below the mean high water at the appraised value at time of issuance of the 1965 state permit. Maps were assembled to determine what constituted lands below mean high water, and an appraisal reported the value of \$500 per acre. Approximately 23 acres had been filled within the bulkhead line, including Jones and Scofield ownership, but the subject application was for only 13.66 acres, being the former submerged lands portion.

To Mr. Christian's question regarding alternatives available to the Trustees, the Director replied they could sell, buy, or the question of ownership could be litigated. Mr. Christian suggested finding out the cost to buy the land. Mr. Shevin agreed that might be a good idea, but the state might have much to gain from litigation, considering the present value of the land.

Mr. Chris H. Bentley, staff attorney, said he could not attempt to predict the outcome of litigation in view of certain equities in favor of the applicant, the physical configuration of the land and other factors, including the matter of estoppel.

During discussion of buying as opposed to selling, it was pointed out by the State Treasurer that there had been no adequate showing of public interest to justify a conveyance at any price. The Governor pointed out that whether the state bought or sold, a prerequisite would be to determine ownership.

Applicant's attorney, William J. Roberts, expressed the opinion that his client was not interested in selling, the lands filled since 1965 were not biologically productive, and the price of lands zoned commercial and high-density would be too great for recreational use when there were many other lands of lesser price. He said his clients already had title, it was quite clear from a legal standpoint that the line of mean high water was the determination but there were no records to show exactly where that line was and his client had agreed to apply to purchase the thirteen acres to clear title as the Trustees had allowed in other cases. Mr. Roberts said the burden of proof was on the state that had already conveyed the land by a deed in 1883.

Governor Askew stated that the matter came before the Board not as an application for disclaimer or quitclaim, but for a seawall. Mr. Kuperberg felt that some of that area was navigable at one time, and the Governor understood that determination of acreage was only for the purpose of making a settlement with the state so the seawall application might secure a favorable reaction. It appeared that the attorney might advise his client to file a suit to quiet title. Because of being told in 1965 by the staff that the state had no ownership in the area, Mr. Scofield had done everything that governing bodies required him to do; and the record should reflect that the applicant had acted in good faith and no one questioned Mr. Kuperberg's recommendation, but in the end the Trustees had to make the decision.

The Governor said the question was whether or not the mean high water line can be located, which was the problem in the Wetstone case. That precedent was exactly the reason the then Cabinet entered into the Estero Bay (Windsor trust) settlement, the Governor continued, and the only thing to do is to let the litigation determine the extent of ownership. Mr. Kuperberg said the question in the Scofield application was sovereignty land in a swamp and overflowed deed and not omitted lands in a federal survey as in the Estero Bay situation.

Mr. O'Malley agreed it was a question for the court to determine. Mr. Shevin added that under the 1883 deed the applicant has title to swamp and overflowed land, and whether this 13 acres is that kind of land is for the court to decide.

Motion was made by Mr. O'Malley that the application be withdrawn from the agenda to allow the applicant opportunity to file a suit to quiet title. Mr. Christian seconded the motion.

Mr. Roberts pointed out that this was before the staff a year and, the applicant had gone to considerable expense and suffered great detriment because he took the course recommended by the staff. The Governor assured Mr. Roberts that the seawall permit application would be held in abeyance.

Mr. Martin R. Northrup, representing Florida Audubon Society, contacted by citizens in the Cocohatchee River area to present objections, asked whether the sale was in the public interest and had the area been considered thoroughly as a recreation site under state or county control. He would object to condominiums along this river that had great potential for recreational use. The Governor pointed out that zoning was a local matter and the extent of ownership had to be determined before acquisition for recreation could be considered.

The Director stated for the record that eleven letters of objection had been received, two that spoke to the question but the others not understanding the basic question had objected to dredging and filling.

The motion by Mr. O'Malley, seconded by Mr. Christian, to withdraw the matter from the agenda passed without objection.

Mr. Shevin asked that the Trustees' legal staff vigorously defend a suit to quiet title, and was invited by the Governor and the Director to participate in defense of the state's title.

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LEE COUNTY - Windsor Trust Lands

In December of 1970, upon the recommendation of the staff, a previous Board of Trustees entered into a settlement agreement for the purpose of resolving a court case and to establish a boundary between the state and the lands in Township 46 South, Range 24 East, known as the Windsor trust lands.

Subsequently, deeds were exchanged between the state and the Windsor trust in accordance with the settlement and the Windsor trust then executed a purchase agreement with Sun and Sea Properties, Inc., now known as Estuary Properties, Inc.

January 16, 1973

A master development plan for the subject lands has been evolving for the past several months, under review of the state environmental agencies. These agencies working with the developer's environmental study team, have held all development to those mainlands which are upland of the mean high water mark, with the exception of navigation connections.

Mr. Robert Troutman, representing Estuary Properties, Inc., has accepted these development restraints and has styled the plan so as to take maximum advantage of the conservation aspects.

The Estuary Properties design supplants the 1970 boundary settlement, the continued existence of which now threatens to become a deterrent to the prospective developer of the Windsor trust lands and is a source of deep concern to the Trustees and to many Lee County residents. Estuary Properties, Inc., and the Windsor trust have agreed to renegotiate the bayward boundary of the subject lands based upon a mean high water line boundary, in concert with the development plan to be submitted to state agencies for approval and that the boundaries of the Estero Bay Aquatic Preserve shall not be violated.

Staff requests authority to

- (1) Review with the U. S. Department of Interior, Bureau of Land Management, the original boundary surveys and request whatever federal action is deemed necessary to clear title to omitted swamp and overflowed lands in the subject township.
- (2) Develop a new boundary agreement revoking the 1970 agreement and cancelling the related deeds in accord with the federal survey determination and resulting Trustees' action.
- (3) Submit a program and timetable for completion of above on or before the Trustees' meeting at which the development application is presented.

ACTION OF THE TRUSTEES:

Attorney General Shevin expressed appreciation to the Governor and the Director for working out the proposed settlement and agreed that the agenda item called for no action by the Board to which anyone should object, as it was in the form of a position paper. As many had expressed concern, Mr. Shevin said the matter must be thoroughly explored and no mistakes made.

Mr. Kuperberg discussed the situation involving Estero Bay, the loss by the state in 1969 of a case (Wetstone) in which the court ruled that the meander line was a boundary line in the absence of a mean high water line determination. Because there appeared to be a possibility of losing another similar case, the then staff after extended negotiations recommended a boundary settlement agreement with the Jack C. Windsor Trust that was approved by the Trustees on December 8, 1970, reciting that a boundary line, established by surveys and located on the ground, would be confirmed by an exchange of deeds between the state and the Windsor Trust. The boundary line survey was developed, and was not signed by the present Director who felt it was not as sound ecologically as later standards would have determined it should be. It had been pointed out that the Board had entered into the agreement and consequently the deed of exchange was sent to the Trustees and executed.

Mr. Kuperberg mentioned a divergence of interest between some sixteen land owners composing the Windsor Trust, and the developer, Mr. Robert Troutman. Mr. Troutman had presented to the staff an environmentally sound master development plan a year ago that complied with all recommendations of his environmental study team. The owners, some sixteen members of the Windsor Trust group, were

concerned that the agreement negotiated in 1970 not be relinquished until they were sure of what they would have in the event Mr. Troutman can't complete his development.

To unravel the problem the staff requested authority to take the action listed on the agenda. Mr. Kuperberg explained that the complicated problem stemmed from the original federal survey, of which only another federal survey could determine the accuracy and completeness.

Mr. Christian was excused from the meeting because of feeling ill.

Commissioner Conner pointed out that the staff recommendation in 1970 referred to lands abutting the Estero Bay preserve. He emphasized that the Trustees never intended to convey any lands within that aquatic preserve.

Governor Askew said it should be made clear that federal surveys would be required to develop the needed information. He added that Mr. Troutman and Mr. Windsor had said that no portion would include any part of the aquatic preserve.

Briefly Mr. Kuperberg explained that the state held title to sovereignty lands (those lands below mean high water line) by virtue of becoming a state. Title to other lands is created by federal survey being conducted, plat of survey drawn up and filed in the federal registry, and then a state may lay claim to swamp and overflowed lands which may be patented to the state by the federal government. Sovereignty lands could only be conveyed by the state in sovereignty deeds; and the Director said that the staff position is that the Trustees could not have conveyed sovereignty lands by swamp and overflowed land deed. There might be errors in an original federal survey and lands omitted; and while for years the state took a lenient attitude on such lands, allowing title clearing by quitclaim or disclaimer, title to omitted lands can only be created by federal review and correction of original survey where found necessary.

Mr. Dickinson noted that efforts had been made since the last two meetings to have the federal survey made. The Governor added that a federal regional office may be set up in Florida, and the Congressional delegation could be called on for help. The survey would take several months and in the meantime Mr. Troutman would be working on his property inshore of the high water line, except for navigation canals.

Mr. Walter Shirey, member of the Board of County Commissioners of Lee County, said he represented District Two and a portion of the land in this development program. He criticized the 1970 agreement, difficulty in obtaining information, late notification of this item on the agenda, the defense of the Wetstone case by the state, and asked for local public hearings on matters involving land in Lee County. Those he represented did not oppose the proposal on the agenda but were concerned regarding any exchange of deeds.

Mr. Shevin recognized the significant input of private citizens in this matter and assured Mr. Shirey that any litigation would be vigorously pursued. Mr. Dickinson also expressed appreciation of concerned citizens and asked Mr. Shirey to specify the problems that might be corrected procedurally or factually, and Mr. Conner restated that the action of the Board in 1970 was taken with the understanding that there was no encroachment on the aquatic preserve.

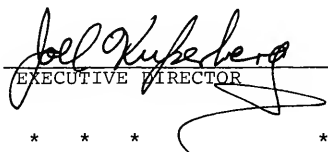
The Governor stated that before further action on this matter, a public hearing in Lee County to let the people understand would prove helpful to the Trustees in reaching a final decision. The Director said no deed exchange was under consideration by the staff.

Mr. Conner asked that there be an indisputable survey before any negotiations transpire. He was informed that the federal government by law was the one to conduct the survey.

Motion was made by Mr. Stone that the staff be authorized to take the action set out on the agenda and, before coming back to the Trustees for action, should conduct a public meeting in Lee County. The motion passed without objection.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST: 
EXECUTIVE DIRECTOR

* * * * *

Tallahassee, Florida
February 6, 1973

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Doyle Conner	Commissioner of Agriculture

Commissioner of Education Christian was excused to attend a function honoring the Florida Teacher of the Year.

Joel Kuperberg Executive Director

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On motion adopted without objection, the minutes of the meeting of January 3, 1973, were approved as submitted.

The second item on the agenda was passed over until later in the meeting.

-3-

COLLIER COUNTY - Land Donation in Big Cypress
(December 29, 1972)

Mrs. Sandra Kay Hamilton,
Battle Creek, Michigan

offers to donate to the State of Florida 30 acres of land in Section 36, Township 51 South, Range 33 East, Collier County, approximately 10 miles north of U. S. Highway 41 (Tamiami Trail). Although this property is not in the immediate vicinity of other state-owned lands, it lies within the Big Cypress Watershed area.

Executed deed from Mrs. Hamilton has been received quitclaiming her interest in the property together with an undivided twenty-five percent interest in and to all of the oil, gas and other mineral rights in the property.

Recommend acceptance of the donation and adoption of a resolution of appreciation to Mrs. Sandra Kay Hamilton.

February 6, 1973

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Shevin and passed without objection, that the Trustees accept the land donation with gratitude and adopt a resolution thanking Mrs. Sandra Kay Hamilton for her conveyance to the State of Florida of 30 acres of land within the Big Cypress Watershed area.

Copy of the resolution is attached to these minutes and made a part hereof.

-4-

SEMINOLE COUNTY - Confirm a Public Sale of Murphy Act Land
(December 27, 1972)

LAND

DESCRIPTION: Lots 29, 30, 31 and 32, Block 57, Sanlando, Plat Book 3, Page 65½, Public Records of Seminole County, Florida

LOCATION: The land is comprised of four lots 62.7 feet by 140.5 feet each fronting Alpine Street (sand grade). The lots are situated within a residential area which was dormant for years. However, considerable activity is now under way with homes in the \$17,500 to \$35,000 range.

APPRAISAL: By staff appraiser, \$6,000 for the four lots.

AUTHORITY
FOR SALE: Section 197.350, Florida Statutes.

DATE OF
SALE: December 27, 1972, by Clerk of the Circuit Court of Seminole County, Florida.

HIGH BIDDER: Gary A. Rue and William A. Flanders

HIGH BID: \$6,000

Recommend confirmation of sale of this land to Gary A. Rue and William A. Flanders for \$6,000 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. O'Malley and passed without objection, the Trustees confirmed sale of the Murphy Act land as recommended.

-5-

ORANGE COUNTY - Electric Transmission Line Easement

APPLICANT: Florida Power Corporation
St. Petersburg, Florida

REQUEST: 100-foot-wide easement for electrical transmission line across state land in use by Department of Health and Rehabilitative Services as the Sunland Hospital at Orlando.

LOCATION: The west 100 feet of the NE¼ of SW¼ of Section 14, Township 22 South, Range 28 East, Orange County.

Florida Power Corporation wishes to rebuild its existing 69KV transmission line by adding additional poles within the easement area authorized by the state in 1951. This requested easement, which will supersede the existing easement, more clearly describes the location of the right of way than does the description in the 1951 instrument.

February 6, 1973

The Department of Health and Rehabilitative Services has reviewed and approved issuance of the easement.

Recommend issuance of the easement requested for electrical transmission line purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. O'Malley and passed without objection, the Trustees authorized issuance of the easement to Florida Power Corporation for electrical transmission line purposes only.

-6-

SUWANNEE COUNTY - Road Right of Way Easement

APPLICANT: Department of Transportation
Tallahassee, Florida

REQUEST: Easement across state land for improvement
and maintenance of State Road S-417.

LOCATION: 2.35 acres in Sections 15 and 22, Township 2 South,
Range 14 East, being a part of the University of
Florida Experiment Station in Suwannee County.

The Board of Regents has reviewed and approved granting the easement provided the Department replaces the fence to be removed for road widening. The Department has agreed to replace the fence at no expense to the University.

Recommend issuance of the easement requested for public road purposes only subject to the fence being replaced by the Department of Transportation.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. O'Malley and passed without objection, the staff recommendation was approved as the action of the Trustees.

-7-

CHARLOTTE COUNTY - Campsite Lease Permit No. 2019A
(January 22, 1973)

APPLICANT: Robert N. McQueen, et al
c/o LeRoy Hill
321 Tamiami Trail, Punta Gorda, Florida 33950

PROJECT: Robert N. McQueen, Burt W. Rountree, W. D. Johnson
and Joe R. Goulding, have requested a lease on a
campsite which was under lease in 1964 and was
abandoned until July 1, 1971.

LOCATION: An area at Latitude 26 degrees 46 minutes 34
seconds North and Longitude 82 degrees, 12 minutes
14 seconds West, lying and being in Section 34,
Township 42 South, Range 21 East, in Bull Bay,
Charlotte County, containing 400 square feet, more
or less.

PAYMENT: \$600 has been submitted for rental for the period
from July 1, 1971 to July 1, 1973.

STAFF

REMARKS: Sewage facilities have been approved by the Charlotte
County Health Department. Leases are given for one
year with option to renew for an additional four
years at annual rental of \$300.00

Staff recommends issuance of campsite lease in accordance with policy adopted on April 7, 1970, which requires all structures

in existence to be under lease for so long as the structure remains in existence, and provided that sanitary facilities are installed by the lessee to prevent discharge of any raw sewage from the site.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. O'Malley and passed without objection, the staff recommendation on this campsite lease application was approved as the action of the Trustees.

-8-

LEE COUNTY - Shell Lease No. 2235

The lease renewal application of Fort Myers Shell and Dredging Company for dredging oyster shell from selected areas in Charlotte Harbor and the Caloosahatchee River was deferred at the request of the applicant.

-9A-

LEE COUNTY - Right of Way Easement File No. 2490-36-253.03
(November 27, 1972)

APPLICANT: Lovers Key Corporation
3401 Gulfshore Boulevard North, Naples, Florida 33940

APPLICANT'S

REPRESENTATIVE: Stanley W. Hole and Associates
Post Office Box 1516
Naples, Florida 33940

PROJECT: Easement for bridge construction to provide access for pedestrian and vehicular traffic and utilities to applicant's privately-owned lands. No dredging or filling of submerged land is required.

LOCATION: 0.538-acre parcel of sovereignty land 60 feet wide between Black Island and Lovers Key, abutting Section 11, Township 47 South, Range 24 East, Lee County.

MATERIAL: Not applicable.

STAFF

REMARKS: Field Operations Division - No objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of the right of way easement for bridge construction as recommended by the staff.

-9B-

LEE COUNTY - Construction Permit No. 36-37-0263
(November 21, 1972)

APPLICANT: Lovers Key Corporation
c/o Stanley W. Hole and Associates
Post Office Box 1516, Naples, Florida 33940

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PROJECT: To construct two bridges across two unnamed waterways on the north end of Lovers Key, the east bridge being 456 feet long and the west bridge being approximately 279.50 feet long.

LOCATION: Lovers Key, Big Carlos Pass, Section 11, Township 47 South, Range 24 East, Lee County.

MATERIAL: Not applicable.

STAFF

REMARKS: Field Operations: We have no objections although the Trustees should take into consideration density and traffic problems that currently exist in the Ft. Myers Beach area. Approval of a bridge to open up a new area for development may bring additional pressures for a mid-island bridge across the Estero Bay Aquatic Preserve from the mainland.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The limited construction required for the installation of two bridges over submerged land should not have significant adverse effects on marine biological resources provided every effort is made to contain the by-products of construction on the uplands and keep disturbance of the submerged lands and water column at a minimum.

Game and Fresh Water Fish Commission - We have reviewed the permit and have no objections to its issuance.

Department of Pollution Control - This Department has no objections to the proposed project.

Staff recommends issuance of Permit No. 36-37-0263 subject to the stipulation of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of the permit subject to the stipulations of the Department of Natural Resources as recommended by the staff.

-10-

CHARLOTTE COUNTY - Bulkhead line and Fill Permit No. 08-10-285

The application by General Development Corporation for establishment of a bulkhead line adopted by Charlotte County on August 22, 1972, and filling to reclaim land lost by erosion was withdrawn from the agenda at the request of the applicant.

-11-

BREVARD COUNTY - Dredge Permit 05-21-0035
(December 4, 1972)

APPLICANT: City of Cocoa Beach
c/o Harold Gesell, City Manager
Cocoa Beach, Florida 32931

PROJECT: To perform channel maintenance dredging in the Banana River to a depth of 5 feet below mean low water and a bottom width of 50 feet at 5 locations (Jobs #1,2,4,6,8), disposing of spoil on uplands adjacent to the river, existing spoil islands, portions of natural islands and submerged bottoms.

LOCATION: Banana River, City of Cocoa Beach, Brevard County.

MATERIAL: Job #1 - 9,000 cubic yards; #2 - 6,000 cubic yards;
#4 - 2,000 cubic yards; #6 - 4,000 cubic yards;
#8 - 100 cubic yards; totaling 21,100 cubic yards of

spoil to be placed on a combination of new and already existing spoil sites.

PAYMENT: Not applicable. Spoil will not be placed on privately-owned lands.

STAFF

REMARKS: Field Operations - No objection. Recommends that:

1. All channels be maintained at -7 feet so as to allow a longer recovery time between now and the next maintenance project.
2. All spoil, if possible, be placed on upland areas or spoil islands behind adequate diking. Any spoil islands that are formed by the maintenance dredging should be vegetated with red mangroves along the mean high water line to stabilize the spoil.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection. Disposal of the spoil on existing spoil islands and previously spoiled portions of natural islands should not significantly affect marine life if spoil sites are adequately diked and siltation is contained to protect adjacent bottoms vegetated by sea grasses.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

NOTE: The city has requested approval of dredging at job location Nos. 1,2,4,6, and 8 with consideration of Jobs 3,5,7 and 9 held in abeyance until the environmental objections can be met.

Staff recommends issuance of Permit No. 05-21-0035 covering locations 1,2,4,6, and 8 provided spoil areas are adequately diked.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. O'Malley and passed without objection, issuance of Permit No. 05-21-0035 as recommended by the staff was approved.

-12-

CHARLOTTE COUNTY - Fill Permit No. 8-11-0159
(August 31, 1972)

APPLICANT: General Development Corporation
1111 South Bayshore Drive, Miami, Florida 33131

PROJECT: To fill portions of Lots 551 and 552, Block 2091, Port Charlotte Subdivision. The proposed fill would not extend more than 25 feet offshore. The subject lots were affected by avulsion during Hurricane Agnes.

LOCATION: Section 26, Township 40 South, Range 22 East, Charlotte County.

MATERIAL: Approximately 410 cubic yards to be trucked in.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection to issuance of this permit, provided the fill (to come from upland sources) is to be stabilized in a satisfactory manner and the Area II field office is notified at the commencement of construction so the project may be monitored.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed filling of shallow sand and peat bottoms should have only

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limited adverse effects on marine life. Shallow bottoms riverward of the fill would be conserved. It is recommended that the corners of the project be rounded and that the maximum slope for the riprap be 1 vertical to 2 horizontal.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This Department has no objections to the proposed project.

- OTHERS: 1. Board of County Commissioners of Charlotte County approved a permit for this project on August 29, 1972.
2. Two affidavits received attesting to loss of land by avulsion.

Staff recommends issuance of Permit No. 8-11-0159 subject to the stipulations of the Department of Natural Resources and notification of the Trustees of the Internal Improvement Trust Fund Area II field office at commencement of construction.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, issuance of Permit No. 8-11-0159 as recommended by the staff was approved.

-13-

CITRUS COUNTY - Dredge Permit No. 09-22-0241
(November 2, 1972)

APPLICANT: Florida General Equities, Inc.
c/o Coastal Engineering Associates, Inc.
617 Lamar Avenue, Brooksville, Florida 33512

PROJECT: To excavate a drainage channel with spoil to be placed on adjacent lots. The channel will not connect directly to the open water of this river and will allow storm water to reach the river over a naturally-vegetated berm.

LOCATION: Section 7, Township 17 South, Range 17 East, Citrus County, Withlacoochee River.

MATERIAL: No material to be dredged from state-owned submerged lands.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations has no objection to issuance of the permit for this project.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - It is our opinion that this project will not have any adverse effects on the Withlacoochee River.

Department of Pollution Control has no objection to the subject project.

OTHERS: Southwest Florida Water Management District granted tentative approval of the project but reserved the right to examine the proposal under District policy existing at the time of scheduled construction.

Staff recommends issuance of Permit No. 09-22-0241.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Board approved issuance of Permit No. 09-22-0241 to Florida General Equities, Inc.

-14-

CITRUS COUNTY - Dredge Permit No. 253.123-1009
(September 21, 1972) (revised)

APPLICANT: Crystal River Development Corp.
c/o William J. Roberts
Post Office Box 1386, Tallahassee, Florida 32302

PROJECT: To connect a proposed upland canal system to the Crystal River at three locations.

LOCATION: Sections 13 and 18, Township 18 South, Range 17 East, Citrus County.

MATERIAL: 1,800,000 cubic yards of material to be excavated from upland and 12,000 cubic yards of sovereignty land to be excavated.

PAYMENT: \$6,000 received as payment for material at standard rates.

STAFF

REMARKS: Field Operations - (1) "An extensive upland canal system apparently solely for the purpose of gaining fill material would not seem to be in the public interest, and would be contrary to staff policy. (2) There appears to be no indication in the plan submitted for an adequate sewage system. (3) An alternative development plan could possibly be worked out utilizing a marina capable of handling the boats of future residents. (4) All homesites should be restricted to the existing high areas in the tract with some use of pad fills accommodating houses."

ECOLOGICAL
RESPONSES:

Department of Natural Resources: July 14, 1971: The marshes and creeks provide important habitat for marine animals. The development plans would eliminate this marsh. Filling and dredging of canals in the biologically productive intertidal marsh and creeks in the subject area would have definite and permanent adverse effects on marine biological resources.
November 30, 1971: The application has been revised to preserve a significant portion of the productive marsh habitat mentioned in our report. The current proposal will have less adverse effects on marine biological resources than would the original plan.

Conclusion of hydrographic study - (1) A saline wedge and consequent density stratification may exist in the vicinity of Station 3 at depths below 7.5 feet. (2) No problem in circulation of the canals is foreseen unless stratification takes place. (3) The construction of the subdivision will have no appreciable effect on the flow of Crystal River. (4) The small connecting canals will only tend to collect and retain flotsam.

Game and Fresh Water Fish Commission - The applicant has revised his project considerably since his initial contact with the Trustees of the Internal Improvement Trust Fund and the various environmental agencies in 1971. He has for the most part eliminated the dead-end canal configuration and has expanded the amount of sawgrass marsh to be preserved. These steps will to some

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extent mitigate the impact of this development on the fish and wildlife resources of the Crystal River.

We are, however, still concerned that an active southern bald eagle nest which presently exists on the applicant's property may be destroyed. Young eagles were reared in this nest last year and it is probable that it will continue as an active nest for some time in the future if the proper steps are taken. We are currently working out an agreement with the applicant as to how much land should be set aside as a sanctuary to protect the nesting area. We also recommend that the Trustees of the Internal Improvement Trust Fund consider leasing the sanctuary as provided by Chapter 258 so that the applicant may realize the tax break provided for in that chapter. If the applicant is agreeable to the above stipulations, we have no objection to the issuance of a permit.

Department of Pollution Control - No objection.

OTHERS: Board of County Commissioners of Citrus County approved on October 14, 1971 by Resolution No. 71-28.

NOTE: Letter of December 21, 1972 from agent, states that the Trustees staff will be notified concerning preservation of the eagle nest. The applicant will consult with the Game and Fresh Water Fish Commission concerning the necessary preserve area.

Staff recommends denial of project as submitted because of its potential for further degradation of the unique, springfed Crystal River, the ground water resources of this portion of Citrus County and the cumulative effect of urban runoff upon the aquatic productivity of the river and near-shore Gulf of Mexico ecosystem.

ACTION OF THE TRUSTEES:

The application of Crystal River Development Corporation for a dredge permit to connect a proposed upland canal system to the Crystal River at three locations was withdrawn from the agenda at the request of Mr. William J. Roberts, the applicant's attorney.

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FRANKLIN COUNTY - Dredge and Fill Permit No. 19-31-0187
(October 30, 1972)

APPLICANT: Crooked River Marina
Mallory E. Horne, c/o Wayne H. Coloney Co., Inc.
Post Office Drawer 3966, Tallahassee, Florida 32303

PROJECT: To dredge 9,600 cubic yards of material from the Carrabelle River and construct a seawall.

LOCATION: Section 20, Township 7 South, Range 4 West, Carrabelle River, Franklin County.

MATERIAL: 9,600 cubic yards of spoil to be donated to public agencies, County School Board and City of Carrabelle.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division recommends approval of the latest revision of the proposed dredge and bulkhead project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - October 14, 1971: The use of this spoil site should not have significant adverse effects on marine biological resources providing it is adequately diked to contain the dredged material.

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October 20, 1972: Our previous biological report (October 14, 1971) applies to the revised application and although the total size of the dredge area has been reduced, restraining devices should be used where necessary to control excessive turbidity and siltation problems. The spoil site is located on the applicant's upland property. It should be adequately diked to restrain the dredged material.

Game and Fresh Water Fish Commission - The entire project area has been previously altered and this project should have only minimal effects if caution is taken to prevent destruction of adjacent productive areas. We recommend that all spoil areas be diked and waste water return facilities be constructed in such a manner as to prevent turbid water from escaping.

Department of Pollution Control - This Department has no objection to the subject project.

Staff recommends issuance of Permit No. 19-31-0187 subject to the stipulations that the spoil area be adequately diked and waste water return facilities for prevention of turbidity be utilized; and that payment for fill be waived.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees waived payment for the fill material that will be donated to public agencies, and authorized issuance of the permit to Crooked River Marina subject to the stipulations recommended by the environmental agencies.

-16-

HILLSBOROUGH COUNTY - Dredge Permit No. 29-21-0197
(October 11, 1972)

APPLICANT: Tampa Port Authority
Post Office Box 2192, Tampa, Florida 33601

PROJECT: To construct two cells and a pier, place riprap to stabilize the existing shoreline and perform maintenance dredging to improve an existing docking facility.

LOCATION: Section 19, Township 29 South, Range 19 East, Ybor Channel, Hillsborough County.

MATERIAL: Approximately 7,000 cubic yards of material to be dredged.

PAYMENT: Not applicable, as sovereignty lands not involved.

STAFF REMARKS: Field Operations Division has no objection to the proposed maintenance project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed riprap fill should have relatively limited adverse effects on marine life by reducing the available shallow waters. Spoil from maintenance dredging should be adequately contained on upland.

Game and Fresh Water Fish Commission - We have reviewed the permit and have no objections to its issuance.

Department of Pollution Control - Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

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OTHERS: Tampa Port Authority approved Permit No. 72-13
on August 30, 1972.

Staff recommends approval of Permit No. 29-21-0197.

ACTION OF THE TRUSTEES:

The Director requested that "subject to stipulations of the Department of Natural Resources and approval of the Department of Pollution Control" be added to the staff recommendation.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation as amended was accepted as the action of the Board.

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MANATEE COUNTY - Dredge and Fill Permit 253.123-458
and 253.124-118
(September 8, 1972)

APPLICANT: Curtiss-Wright Corporation
c/o William J. Roberts, P. A.
217 South Adams Street, Tallahassee, Florida 32302

PROJECT: To extend for three years an existing dredge and fill permit that was approved by the Trustees February 3, 1970. The work proposed has not begun due to delays resulting from requirements of an environmental impact statement prepared for the Corps of Engineers.

LOCATION: Section 26, 27, 34, 35, Township 35 South, Range 16 East, Manatee County.

MATERIAL: 343,000 cubic yards to be excavated.

PAYMENT: Applicant previously submitted \$34,300 as payment for fill material at ten cents per cubic yard.

STAFF

REMARKS: Field Operations: The project, if completed as now permitted, would result in extensive biological damage to the area.

**ECOLOGICAL
RESPONSES:**

Department of Natural Resources - The extensive dredging and filling would have significant and permanent adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - The Corps of Engineers requested that our comments be directed toward the adequacy of the draft environmental statement rather than the desirability of the project. We have attempted to follow this request although it should be apparent and recognized that the project as presented in the environmental statement does not meet the aims and objectives of our agency.

Department of Pollution Control - Requested applicant to apply for certification to the regional office. Additional comments not received.

NOTE: The Corps of Engineers has not yet issued a permit for this project. It is likely that if a Corps permit is issued, it will be for considerably less alteration of submerged land than the existing state permit allows.

Staff recommends extension of existing Permits 253.123-458 and 253.124-118 until such time as the modifications to be required by federal agencies are available for review and possible incorporation into the state permit.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Stone and passed without objection, that the extension as recommended by the staff be approved.

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After considering the next three agenda items, the Attorney General called attention back to the Curtiss-Wright permit and his concern regarding extension of the permit in the event the Corps of Engineers should approve the project as it had been originally approved by a previous Board of Trustees.

The Director explained that the permit expired in about ten days, the applicant had been in negotiation with the federal government about three years, the project as modified appeared to be on the threshold of acceptance by the federal government, and state law provides that where diligent effort has been made toward completion of the project, renewal may be granted.

Mr. William J. Roberts, attorney for the applicant, stated that the federal government had required extensive modifications that now appeared to be acceptable to the U. S. Environmental Protection Agency. On behalf of his client, Mr. Roberts said he would stipulate for the record that the permit, if extended, would be subject to final approval by the Trustees.

Mrs. Gordon W. Bartle, representing the Izaak Walton League of America, asked for deferral until it could be determined whether the area would be served by Bradenton utilities, until completion of new dredging and filling rules by the Department of Pollution Control, and completion of an environmental study.

Governor Askew commented that the regulations of the Department of Pollution Control would be applicable and the stipulation cleared up any question, that the state was in no way committing itself on the modifications to be required by the federal government. The Attorney General agreed.

Without objection the motion approving the extension as recommended by the staff was made subject to the stipulation of the attorney on behalf of the applicant.

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MONROE COUNTY - Construction Permit No. 44-30-0124
(August 15, 1972)

APPLICANT: City of Key West
c/o Garland Smith, Projects Coordinator
Key West, Florida 33040

PROJECT: To construct three piers 300' x 10' and drive 78 mooring pilings on the north side of Garrison Bight Causeway, and construct three piers 20' x 5' and drive 27 mooring pilings for an existing dock on the South side of Garrison Bight Causeway.

LOCATION: Sections 32 and 5, Townships 67 and 68 South, Range 25 East, Monroe County.

MATERIAL: Not applicable.

PAYMENT: Not applicable. Submerged lands are owned by the City of Key West.

STAFF

REMARKS: After review of our field report concerning the project that consists of a municipal docking facility that will be highly regulated, consisting of six concrete piers and 103 mooring piles, Field Operations has no objection to the issuance of this permit.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Construction of this proposed docking facility should not have significant adverse affects on marine biological resources.

Game and Fresh Water Fish Commission - Since the proposed marina does not involve any dredging of the productive vegetated bottoms in the subject area, we have no objections to the project provided no sewage or other wastes are discharged from boats using the facilities.

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Department of Pollution Control - This project does not fall under the Department of Pollution Control moratorium presently in effect in Monroe County. This Department has no objections to the proposed project.

OTHERS: The Key West Transit and Port Authority will have full jurisdiction over Garrison Bight and will control other areas where boats may dock or anchor around the City of Key West.

Staff recommends issuance of Construction Permit No. 44-30-0124 provided that live-aboard yachts are not allowed in the facility.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees authorized issuance of the permit subject to the provision recommended by the staff.

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MONROE COUNTY - Dredge Permit No. 253.03-335
(January 17, 1972)

APPLICANT: C. H. DeCarion and A. P. Bismark, Trustees
Key Largo Ninety-seven
100 Biscayne Boulevard, Miami, Florida

PROJECT: To dredge two navigation channels to connect an upland basin and waterway to Florida Bay. The channels will be 50' wide by 5' deep by 100' long, and 40' wide by 5' deep by 300' long.

LOCATION: Florida Bay, Key Largo, Northwest shore between Sunset Point and Rock Harbor, Sections 12, 7 and 6, Township 62 South, Ranges 38 and 39 East respectively, in Monroe County.

MATERIAL: 950 cubic yards of sovereignty material.

PAYMENT: \$1,425 received for material at standard rates.

STAFF
REMARKS: Field Operations would have no objection to this project on the Florida Bay side of Key Largo provided the plugs are left in the upland canal system until the suspended solids have been allowed to settle. The southwest navigation channel should be relocated to conserve the mangrove area pointed out in the Game and Fresh Water Fish Commission recommendations. The use of diapering for all dredging on the navigation channels should be required so as to reduce siltation of the surrounding waters. An additional field inspection found the mean depth of the existing basin to be 7.7 feet with extreme depths noted of 10.5 and 11.5 feet.

ECOLOGICAL
RESPONSES: Department of Natural Resources - March 30, 1972:
The excavation of the north channel should have only limited adverse effects on marine biological resources. The reduction of the south channel width through the mangrove area to 30 or 40 feet would preserve some of the large trees. To preserve the mangrove swamp as a more productive biological system, a channel coming from shore south of the base line would require no destruction of the mangrove area.

September 8, 1972: The application now contains a few minor revisions to conform to the recommendations of the hydrographic study.

Hydrographic Study: (1) The waterway system as designed except for the culvert will have adequate circulation to maintain good water quality. Increasing the depth to 8 feet below mean sea level would have no deleterious effect.

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(2) The construction of the proposed development will in no way lower the quality of adjacent waters.

Game and Fresh Water Fish Commission - A field inspection on October 29, 1972, revealed that the proposed boat basin has been constructed, although not connected to the Florida Bay. Depths measured at two points along this basin were in excess of 10 feet, and it is possible that greater depths would be found if a complete transect of the basin were made. For this reason, it appears that the hydrographic study conducted by Mr. John F. Michel is not applicable to the existing development since it was based on proposed rather than existing dimensions. We have no objections to the basin as approved by the Department of Pollution Control's letter of October 6, 1972. However, due to the findings of our field survey, we recommend that a representative of the Trustees of Internal Improvement Trust Fund examine the depths of the basin to determine if the dimensions coincide with the proposed permit.

Department of Pollution Control - Please be advised that this Department has no objections to the subject project as shown on the drawing revised April 1972.

NOTE: The route of the southwest channel has been modified to preserve the stand of mangrove trees noted in the report of the Department of Natural Resources.

Staff recommends issuance of Permit No. 253.103-335 provided the existing basin is filled to -5 feet mean low water before access channels are connected to Florida Bay.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the permit subject to the provision recommended by the staff.

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OKALOOSA COUNTY - Fill Permit No. 253.124(8)-258
(October 20, 1972)

APPLICANT: Colonel R. K. Easley, et al
121-B Birch Circle, Eglin Air Force Base
Fort Walton Beach, Florida 32542

PROJECT: To construct a seawall approximately 1,200 feet long and 30" high along the mean high water line of Rocky Bayou, to be constructed of corrugated asbestos and cement.

LOCATION: Section 16, Township 1 South, Range 22 West,
Okaloosa County.

MATERIAL: Any fill material used will be obtained from upland sources.

PAYMENT: None.

STAFF

REMARKS: Field Operations: The proposed revision is in conformance with our recommendations dated May 22, 1972, for the initial application. I recommend approval of the construction permit for this proposed revision.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The project has been revised to exclude the offshore borrow areas in Rocky Bayou Aquatic Preserve. Since no dredging is presently proposed and the bulkhead will be constructed at or near the mean high water line, this project as revised should not have detrimental effects on marine biological resources.

February 6, 1973

Game and Fresh Water Fish Commission - We have reviewed the permit and have no objections to its issuance.

Department of Pollution Control - This Department has no objections to the proposed subject project.

Staff recommends issuance of Permit No. 253.124(8)-258.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the permit.

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PINELLAS COUNTY - Dredge Permit No. 52-21-0178
(September 28, 1972)

APPLICANT: Florida Power Corporation
Post Office Box 14042, St. Petersburg, Florida 33733

PROJECT: To perform maintenance dredging at the Bayboro Plant site in Pinellas County.

LOCATION: Section 30, Township 31 South, Range 17 East, Bayboro Harbor, Pinellas County.

MATERIAL: 6,226 cubic yards of material to be removed will be placed on upland in Section 10, Township 31 South, Range 17 East, St. Petersburg, Pinellas County.

PAYMENT: \$6,226.00 received as payment at standard rates.

STAFF

REMARKS: No objections. All spoil should be placed behind adequately diked upland areas and all reasonable turbidity control devices should be utilized during the dredging operation.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed maintenance dredging should have only limited adverse effects on marine life if maintenance spoil is carefully contained.

Game and Fresh Water Fish Commission - We have reviewed the permit application and have no objections to its issuance.

Department of Pollution Control - This Department has no objections to the proposed project.

OTHERS: Pinellas County Water and Navigation Control Authority granted Permit No. DO-212 on September 19, 1972.

Staff recommends issuance of Permit No. 52-21-0178 with the stipulation that turbidity control devices be utilized during dredging.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the permit subject to the stipulation regarding turbidity control devices.

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PINELLAS COUNTY - Dredge and Construction Permit 52-37-0304
(December 8, 1972)

APPLICANT: Pinellas County Board of County Commissioners
315 Haven Street, Clearwater, Florida 33516

February 6, 1973

PROJECT: To remove existing culverts and causeway, construct a bridge and temporary by-pass road which will be removed when proposed bridge is completed.

LOCATION: Section 30, Township 29 South, Range 16 East, Pinellas County.

MATERIAL: To dredge 200 cubic yards of material to be trucked away.

PAYMENT: Not applicable. Sovereignty material not involved.

STAFF
REMARKS: Field Operations has no objections to this bridge.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Limited filling is required to construct the temporary by-pass road. However, much of the area has recently been excavated and filled. Most of the damage to marine life would result from the filling of a small area of black-rush marsh south of the existing channel. Spoil deposits and the temporary fill required for the by-pass road should be removed upon completion of the new bridge. Draglined and filled portions of the natural creek and the associated tidal marsh (located west of the project area) should also be restored.

Game and Fresh Water Fish Commission - We have reviewed the permit and have no objections to its issuance.

Department of Pollution Control - Certification will be issued upon receipt of notification that the Trustees have approved.

Staff recommends issuance of Permit No. 52-37-0304 subject to the stipulations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that there would be some damage created by the by-pass road but the staff believed the permit should be issued to obtain the end product of a bridge instead of a causeway.

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the permit subject to the stipulations of the Department of Natural Resources.

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VOLUSIA COUNTY - Construction Permit No. 64-37-0224
(October 27, 1972)

APPLICANT: Florida East Coast Railway Co.
c/o Powell Bros., Inc.
Post Office Box 281, Ft. Lauderdale, Florida 33302

PROJECT: To replace two existing wood trestles with one concrete and steel bridge.

LOCATION: Section 8, Township 14 South, Range 32 East, Tomoka River, Volusia County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations Division recommends approval with the stipulation that the old piling be pulled out and not sawed off.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed bridge will be constructed on pilings and should not significantly disturb marine biological resources.

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Game and Fresh Water Fish Commission - We have reviewed the permit and have no objections to its issuance.

Department of Pollution Control - Please be advised that this Department has no objections to the proposed subject project.

Staff recommends issuance of Construction Permit 64-37-0224 with the stipulation that pilings from the old structures be completely removed from the river and disposed of off-site.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the permit subject to the stipulation recommended by the staff.

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VOLUSIA COUNTY - Dredge Permit No. 64-20-0279
(December 1, 1972)

APPLICANT: Henry C. Coleman
415 Revilo Boulevard, Daytona Beach, Florida 32018

PROJECT: To dredge a boat slip 35' x 10' x -3' on uplands adjacent to the Halifax River and dredge an access channel 150' x 15' x -3' in the Halifax River.

LOCATION: Section 16, Township 15 South, Range 33 East, Halifax River, Volusia County.

MATERIAL: 185 cubic yards of material to be placed on owner's upland.

PAYMENT: \$92.50 received as payment for material at standard rates.

STAFF

REMARKS: Field Operations Division objects to the issuance of this permit. This type of channel would require periodic maintenance dredging.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed excavation of a boat slip and access channel should have only limited adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - We have reviewed the permit and have no objections to its issuance.

Department of Pollution Control - Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

Staff recommends issuance of Permit No. 64-20-0279.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, issuance of the dredge permit was approved.

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PINELLAS COUNTY - Construction and Fill Permit 52-30-0017
and 253.124-294
(April 14, 1972)

APPLICANT: Pinellas County Board of County Commissioners
315 Haven Street, Clearwater, Florida 33516

February 6, 1973

PROJECT: To construct a dock, boat ramp and floating docks at Belleair Causeway, and to fill approximately 1.6 acres of submerged land with material from upland sources hauled in by truck. Filled area will be used for additional parking.

LOCATION: Section 31 and 32, Township 29 South, Range 15 East, Belleair Causeway Park, Pinellas County.

MATERIAL: 19,000 cubic yards to be trucked in from upland sources.

PAYMENT: County requests waiver of fees as project is in public interest.

STAFF REMARKS: Field Operations: The area is already used as a public recreation park, and the addition of the boat ramp and fill would add to the public usefulness of the area.

ECOLOGICAL RESPONSES: Department of Natural Resources - Although the proposed fill area is biologically productive, the selection of this site for the construction of a public boating facility would be recommended over adjoining areas. To restrict damage to marine life and best maintain water quality, the proposed fill area should be filled with trucked-in fill.

Game and Fresh Water Fish Commission - Our biologists have conducted a biological survey in the area of the proposed parking lot and boat ramp, and have reported that the loss of 1.5 acres of submerged bottoms would be detrimental to fish and wildlife populations. We suggested an alternate area that does not appear to be as biologically productive, however, this area was not suitable to the applicant's interests. In regard to the biological resources involved, we cannot recommend filling of submerged bottoms.

Department of Pollution Control - This Department has no objections to the proposed project.

OTHERS: Pinellas County Water and Navigation Control Authority approved Permit DF-279 on February 8, 1972.

NOTE: Game and Fresh Water Fish Commission recommended that the county design its project utilizing the land presently existing above the mean water line on the south side of Belleair Causeway. The applicant received eight letters from citizens objecting to the recommended site.

Staff recommends issuance of Permits 253.124-294 and 52-30-0017 and waiver of fees as requested by Pinellas County, with the stipulation that the seawalls be of riprap construction or faced with riprap.

ACTION OF THE TRUSTEES:

The Director said because of concern regarding impact on biological resources, the public boat ramp project had been modified to include riprap.

On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, issuance of the permit was approved without fee subject to the stipulation for use of riprap as recommended by the staff.

APPLICANT: Mathias Roland
c/o Harbor Engineering Company
1615 Huffingham Lane, Jacksonville, Florida 32216

PROJECT: To modify an existing marina by closing an original opening into the marina and removing a 25' section of an existing dock to make a new opening. Total square footage of the area is 22,800 square feet.

LOCATION: Section 30, Township 1 South, Range 28 East, St. Johns River, Duval County.

MATERIAL: Not applicable.

PAYMENT: \$456.00 annual license fee.

STAFF
REMARKS: Field Operations Division recommends approval of this construction permit since it will not be adverse to the public interest.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Construction of this proposed project should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - We have reviewed the permit and have no objections to its issuance.

Department of Pollution Control - This Department has no objections to the proposed subject project.

Staff recommends issuance of Marina License and Construction Permit No. 16-30-0277.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of marina license and construction permit.

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ESCAMBIA COUNTY - Marina License and Construction Permit ML-17-30-14
(December 12, 1972)

APPLICANT: Firestone Yacht Basin, Inc.
c/o Thomas Smith
Post Office Box 12091, Pensacola, Florida 32502

PROJECT: To construct a docking facility on a parcel of submerged land occupying 211,000 square feet.

LOCATION: Section 33, Township 3 South, Range 32 West, Escambia County.

MATERIAL: None. No dredging required.

PAYMENT: \$4,220.00 received as annual fee.

STAFF
REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - Recommends:

1. No dredging or filling beyond mean high water.
2. No alterations to shoreline or bottom except where pilings will be placed.
3. Installing measures for directing sewage, drainage, or runoff from entering public waters.

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Department of Pollution Control - No objection.

Staff recommends issuance of Construction Permit and Marina License No. ML-17-30-14 subject to Game and Fresh Water Fish Commission stipulations.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of the marina license and permit subject to the stipulations of the Game and Fresh Water Fish Commission.

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LEE COUNTY - Marina License and Construction Permit 36-30-0198
(October 12, 1972)

APPLICANT: North River Mile Properties, Ltd.
4775 Orange Grove Boulevard
North Fort Myers, Florida

PROJECT: To construct a T-shaped fishing pier covering approximately 2,900 square feet.

LOCATION: Section 11, Township 44 South, Range 24 East, Caloosahatchee River, Lee County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF

REMARKS: Field Operations Division has no objection to the proposed fishing pier.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The proposed construction of a fishing pier should not have adverse effects on marine life.

Game and Fresh Water Fish Commission - We have reviewed the permit and have no objections to its issuance.

Department of Pollution Control - This department has no objections to the proposed subject project.

Staff recommends issuance of Marina License and Construction Permit No. 36-30-0198.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of the marina license and permit.

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INDIAN RIVER COUNTY - Marina License and Construction Permit
No. 31-30-0259
(November 16, 1972)

APPLICANT: City of Vero Beach
City Hall, Vero Beach, Florida 32960

PROJECT: To extend a portion of an existing concrete dock for use as a fueling dock and to replace an existing wood dock with a concrete structure. Total deck area of proposed docks is approximately 4,440 square feet.

LOCATION: Section 31, Township 32 South, Range 40 East, Indian River County.

MATERIAL: Not applicable.

PAYMENT: As this is a public facility, recommend fee be waived.

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STAFF

REMARKS: Field Operations Division recommends that this application be approved.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed replacement of a wood dock with a concrete dock and the construction of a fueling dock should not significantly affect aquatic biological resources.

Game and Fresh Water Fish Commission - We have reviewed the permit application and have no objections to its issuance.

Department of Pollution Control - This Department has no objections to the proposed subject project.

Staff recommends issuance of Marina License and Construction Permit No. 31-30-0259 with waiver of fee.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of the marina license and permit to the City of Vero Beach without requiring payment of the fee.

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PALM BEACH COUNTY - Marina License and Construction Permit
No. 50-30-0022
(January 3, 1973)

APPLICANT: Colonnades, Inc.
c/o William G. Wallace, Inc.
105-106 Lakeview Building
North Palm Beach, Florida 33408

PROJECT: To construct a dock 100' x 97.5' approximately
200 feet South of the Blue Heron Boulevard Bridge
covering approximately 9,750 square feet.

LOCATION: Section 26, Township 42 South, Range 43 East,
Palm Beach County.

MATERIAL: Not applicable.

PAYMENT: \$195.00 annual fee required. The applicant submitted
\$395.00 under the original application.

STAFF

REMARKS: Field Operations recommends issuance of the permit.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Installation of
these proposed docks should not have significant
adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - We have
reviewed the permit and have no objections to its
issuance.

Department of Pollution Control - This department
has no objections to the proposed project.

OTHERS: The applicant has complied with the recommendations
of the Area Planning Board of Palm Beach County.

Staff recommends issuance of Marina License and Construction
Permit No. 50-30-0022 and refund of the \$100 overpayment of fee.

Refund
corrected
to \$100.
See
minutes
12/4/73.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed
without objection, the Board authorized issuance of the marina
license and permit, and approved refund of the \$100 overpayment.

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PINELLAS COUNTY - Marina License and Construction Permit
No. 52-30-0270
(November 20, 1972)

APPLICANT: Velvet Cloak Apartments
c/o Speeler Marine Contractors, Inc.
6820 Cross Bayou Drive, Largo, Florida 33540

PROJECT: To construct a dock projecting 144 feet from an existing
seawall as a replacement for a dock destroyed by
Hurricane Agnes.

LOCATION: Section 18, Township 32 South, Range 17 East,
Pinellas County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF
REMARKS: Field Operations Division has no objection to the
proposed project.

ECOLOGICAL
RESPONSES: Department of Natural Resources - No objection provided
every effort is made to reduce siltation resulting from
installation.

Game and Fresh Water Fish Commission - We have reviewed
the permit and have no objections to its issuance.

Department of Pollution Control - This Department has
no objections to the proposed subject project.

OTHERS: Pinellas County Water and Navigation Control Authority
approved Marina Permit Application No. M6722-72 during
its regularly scheduled meeting on October 3, 1972.

Staff recommends issuance of Marina License and Construction
Permit No. 52-30-0270 subject to the stipulation of the Depart-
ment of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Dickinson and
passed without objection, the Board authorized issuance of
the marina license and permit subject to the stipulation
of the Department of Natural Resources.

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PINELLAS COUNTY - Marina License and Construction Permit
No. 52-30-0293
(December 4, 1972)

APPLICANT: Piedmont Apartments, by Paul Piedmont
11760 Capri Circle South, Treasure Island, Florida

PROJECT: To construct a T-shaped dock 30 x 6 feet with an
extension of 10 x 40 feet covering approximately
1,200 square feet.

LOCATION: Section 21, Township 32, Range 15 East, Boca Ciega Bay,
Pinellas County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF
REMARKS: Field Operations Division has no objection to issuance
of the permit for the dock to be used by tenants of
the condominium. Recommend after-the-fact approval.

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ECOLOGICAL

RESPONSES: Department of Natural Resources - Construction of the proposed marina should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - We have reviewed the permit and have no objections to its issuance.

Department of Pollution Control - This Department has no objection to the proposed subject project, and no further action will be taken by this Department.

OTHERS: Pinellas County Water and Navigation Control Authority approved Marina Permit Application No. M6772-72 during its regularly scheduled meeting on November 21, 1972.

Staff recommends issuance of Marina License and Construction Permit No. 52-30-0293.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the marina license and permit.

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MARINA LICENSE RENEWALS

The required annual fees for renewal of the following marina licenses have been submitted.

Field Operations Division has no objection to these renewals and finds the facilities have been constructed in accordance with approved plans.

Staff recommends renewal of each marina license for one year at the fee indicated.

<u>Marina License</u>	<u>Licensee and Information</u>	<u>Annual Fee</u>
1. ML-11 (1-2-73)	Keystone Harbor Condominium 13155 Ixora Court, Keystone Point, North Miami, Florida 33161 Section 28, Township 52 South, Range 42 East, New Arch Creek, Dade County	\$157.50
2. ML-83 (12-21-72)	Sun'n Surf Motel, c/o Anita Kram 508 South Street, Key West, Florida 33040 Section 31, Township 67 South, Range 25 East, Monroe County.	\$100.00

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Conner and passed without objection, the Trustees authorized renewal of the two marina licenses for one year at the fee indicated for each.

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REQUEST FOR EXTENSION OF THE 120 DAY PROCESSING PERIOD

Processing of the following applications has not been completed. The reason the files are not complete is noted for each.

<u>FILE AND COUNTY</u>	<u>APPLICANT</u>	<u>REASON</u>
06-31-0072 Broward	Joyce R. Krause	A hydrographic study is required by the Department of Natural Resources.

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<u>FILE AND FILE AND COUNTY</u>	<u>APPLICANT</u>	<u>Reason</u>
11-30-0097 Collier	John Emerson	Comments have not yet been received from the Department of Pollution Control.
58-31-0098 Sarasota	General Development Corporation	Comments have not yet been received from the Department of Pollution Control.
50-31-0108 Palm Beach	Mayfran	Comments have not yet been received from the Department of Pollution Control.
03-12-0117 Bay	Joe Hutchison	Comments have not yet been received from the Department of Pollution Control.
35-31-0127 Lake	A. G. Lowrie	A hydrographic study is required by the Department of Natural Resources.
17-21-0140 Escambia	Spanish Village Cove, Inc.	A hydrographic study is required by the Department of Natural Resources.
44-20-0146 Monroe	Fisherman's Hospital	This application falls under the Department of Pollution Control's moratorium in the Florida Keys.
29-31-0154 Hillsborough	Tampa-Hillsborough County Expressway	Comments have not yet been received from the Department of Pollution Control.
28-20-0156 Highlands	H. J. Prillwitz	Comments have not yet been received from the Department of Pollution Control.

Staff recommends a 60-day extension of the processing period for these applications.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, to extend the processing period for each of these applications for 60 days.

-35A-

SARASOTA AND MANATEE COUNTY - Bulkhead Line
(June 8, 1972)

APPLICANT: Town of Longboat Key
c/o Wood, Scheb, Whitesell, Drymon & Warren
Post Office Box 15425, Sarasota, Florida 33579

PROJECT: To reestablish a bulkhead line in Sarasota Bay adjacent to the Town of Longboat Key in Sarasota and Manatee Counties, approved and established by Resolution of the Town Commission of the Town of Longboat Key on March 17, 1972.

LOCATION: Township 35 South, Ranges 16 and 17 East, Township 36 South, Range 17 East.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF REMARKS: Field Operations - No objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The Town of Longboat Key is to be commended for proposing to establish this

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bulkhead line which closely follows the mean high water line and will result in the preservation of many acres of biologically productive submerged and intertidal lands.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

OTHERS: Interagency Advisory Committee on Submerged Land Management recommended that existing offshore bulkhead lines in this area be relocated to the line of mean high water.

Staff recommends approval of bulkhead line as it is a close approximation of the line of mean high water.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Stone and Mr. Conner, passed without objection, that the Trustees approve the bulkhead line adjacent to the Town of Longboat Key in Sarasota and Manatee Counties as relocated and established by resolution of the Town Commission on March 17, 1972.

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SARASOTA AND MANATEE COUNTY - Dredge Permit 58 & 41-31-0064
(July 3, 1972)

APPLICANT: Arvida Corporation, c/o James E. Messer
138 North Gadsden Street, Tallahassee, Florida

PROJECT: To dredge the following channels:

- (1) A 50-foot wide perimeter channel 6 feet deep to be excavated within a 75-foot right of way, the outer side of which is the proposed bulkhead line of the Town of Longboat Key on applicant's upland.
- (2) Five 50 feet wide x 5 feet deep channels to be excavated from the proposed bulkhead line to the -5 foot contour.
- (3) Two 100 feet wide x 5 feet deep channels to be excavated from the proposed bulkhead line to the -5 foot contour.

MATERIAL: 1,800,400 cubic yards to be excavated of which 9,200 cubic yards will come from state-owned submerged land; 30,500 cubic yards will be obtained from private-owned submerged land; 1,769,900 cubic yards will be obtained from applicant's uplands.

LOCATION: Section 5, Township 36 South, Range 17 East, Sarasota and Manatee Counties.

PAYMENT: \$9,200 received as payment for sovereignty material at standard rates.

STAFF REMARKS: Field Operations - No objection to the revised project, except to the seven navigational access canals which in some cases may cross productive flats.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed development should have relatively limited adverse effects on marine biological resources and will conserve most of the highly productive grass beds and red mangroves that occur along the subject property.

Game and Fresh Water Fish Commission - December 14, 1972: While our agency believes environmental damage will occur in upland areas as pointed out in our earlier letter, we feel that the applicant has made a sincere effort to mitigate damages; and therefore we remove our objections to the project.

Department of Pollution Control - No objection.

OTHERS: Town Commission of Longboat Key by Ordinance No. 120 adopted May 3, 1972, approved the project.

Staff recommends issuance of Permit No. 48 & 41-31-0064, subject to conveyance to the state by the applicant of all lands outside the bulkhead line as established this date.

ACTION OF THE TRUSTEES:

The Arvida Corporation prepared a development plan in accord with the bulkhead line for some 500 acres on the eastern side of Longboat Key. One of the first applications to come to his attention on becoming Executive Director, the Arvida plan had been twice redesigned in accordance with recommendations of the environmental agencies and governmental units involved, was now acceptable, and the applicant would convey some 200 acres of submerged land to the state. Further reduction in number of canals had been reviewed at some length as to the impact on the flushing action and was a value judgment among experts, Mr. Kuperberg stated. The applicant was willing, if desired by the Board, to eliminate two additional canals reducing the seven access points to five, but this had not yet been cleared with other environmental agencies.

Mr. Elliott Messer, applicant's attorney, agreed on behalf of his client that the number of canals would be reduced to five to the satisfaction of the staff upon request by the Trustees.

Mayor Sam Gibbons expressed the approval by the Town of Longboat Key of the Arvida plan. The Governor noted that the town was very conservation oriented and commended the Mayor.

Mrs. Gordon W. Bartle of the Izaak Walton League expressed belief that mangrove areas would be damaged, whereupon the Director explained that the canals would be upland of 90% of the mangroves in the area, the fringe of mangroves would be preserved except where broken by the access canals, and there would be no construction within a setback of 100 to 120 feet of the mean high water line.

On motion by Attorney General Shevin, seconded by the State Treasurer and the Secretary of State, passed without objection, the Trustees approved issuance of Permit No. 48 and 41-31-0064 subject to conveyance to the state by the applicant of land outside the bulkhead line and conditioned upon reduction of the number of access channels from seven to five with details to be worked out by the staff.

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TRUSTEES' FUNDS

The State of Florida is a party to litigation in federal court in the case styled U.S. vs. Florida, Original No. 52, involving the setting of Florida's outer boundaries in the Atlantic Ocean and Gulf of Mexico. The submerged land area in dispute is approximately 900,000 acres. The Attorney General is representing Florida but related costs have been borne by this agency because the case involves state land and title thereto. The Board of Trustees has directed this agency to bear the expenses of this case.

The outcome of U.S. vs. Florida, Original No. 52, will have extremely important implications for Florida's future in several areas. The mineral rights alone of so large an area may have a tremendous effect on Florida's economic future. Also at stake is the control and supervision of the water column over the 900,000 acres which includes such activities as fishing, shrimping, and aquaculture.

During fiscal year 1972-73 the staff has disbursed \$14,400 from the Other Personal Services Account (1-750-0103) for litigation costs directly involved in the above case. These costs have

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been for such items as expert witness fees and court reporter costs. These expenditures were not anticipated in the 1972-73 legislative budget request and as a result the Other Personal Services Account is completely depleted, either by disbursements or by definite commitments. The situation is particularly acute due to the fact that the agency requested \$74,550 in the legislative budget for 1972-73, the Department of Administration recommended \$66,900, and the legislature only appropriated \$51,900. With five months left to run in this fiscal year, the staff finds several areas of concern which will require at least \$15,000 of additional Other Personal Services funds.

Staff requests authority to seek authorization for an allocation from emergency or contingency funds in the amount of \$15,000.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Stone and passed without objection, authorizing the staff to seek authorization for the funds as requested.

Governor Askew commented that permission to ask for the funds did not bind the Governor and Cabinet as the Administration Commission to act.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the rules were waived for consideration of the items added to the original agenda.

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DIXIE COUNTY - Federal Surplus Land

This request was placed on the agenda as an addendum at the request of the Office of the Governor.

APPLICANT: Department of Health and Rehabilitative Services
Division of Corrections.

REQUEST: Adoption of a resolution for submission to the U. S. Department of Health, Education and Welfare in support of the application by the Department of Health and Rehabilitative Services to acquire approximately 19.6 acres of surplus federal land.

LOCATION: 19.6 acres consisting of a portion of the Cross City Air Force Radar Station in Section 2, Township 10 South, Range 12 East, Dixie County.

This property is surplus to the federal government and available to the state for educational purposes. The Department of Health and Rehabilitative Services has determined that this property can be readily and economically converted into a medium or minimum custody institution by the Division of Corrections to relieve the critical situation of inmate housing.

A portion of this 19.6-acre tract was available to the state in 1971 but the application by the Department was not successful at that time.

Application by the Department must be resubmitted to the U. S. by February 15 and accompanied by a resolution executed by the Board of Trustees, as the appropriate agency of the state to hold title to the land, designating Mr. Emmett Roberts, Secretary of the Department of Health and Rehabilitative Services, to act on behalf of the Board of Trustees in doing all acts and things necessary to secure the transfer of this property to the state.

Funds of the Trustees will not be involved in this transaction.

Recommend execution of the resolution.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the resolution was adopted, executed, and copy attached hereto and made a part of these minutes.

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PALM BEACH COUNTY - Motel at Riviera Beach

Mr. Kuperberg brought to the Board's attention a matter not on the printed agenda and requested authorization for Assistant Attorney General Kenneth Hoffman to file trespass action against the owners of the Hilton Inn at Riviera Beach for the removal of the coffer dam or seawall that the Governor and the Cabinet as the Department of Natural Resources on January 3, 1973, ordered removed. In the motel owner's suit to overturn that order, Mr. Hoffman represented the Department of Natural Resources as defendant.

Mr. Hoffman asked the Trustees, as owner of the sovereignty land on which a portion of that seawall was built, to authorize him to file trespass action as a separate suit.

Motion was made by Mr. O'Malley, seconded by Mr. Shevin and passed without objection, authorizing Assistant Attorney General Ken Hoffman to institute such litigation on behalf of the Trustees.

Coastal Petroleum Company Litigation.

With reference to a matter not on the printed agenda, the Director asked the Board to hear Mr. R. J. Beckham of Beckham and McAliley, representing the Trustees in litigation with Coastal Petroleum Company.

Mr. Beckham stated that the litigation involved an appeal by the Trustees in the Federal Court system seeking to overthrow three leases held by Coastal covering some three million acres of oil and mineral rights. The Fifth Circuit Court of Appeals had determined to certify the case to the Florida Supreme Court, the only viable matters now being the issues concerning validity of the leases. Mr. Beckham advised the Board that the court had requested counsel to explore whether a settlement of the litigation was possible, that there had been an overture from Coastal as a starting point for discussion, and he needed to know whether the Trustees were interested in what might be available to them in the nature of a settlement.

After brief discussion by members of the Board, the Governor said that any settlement that might be recommended by the Board's counsel would be considered, because in no way would that prejudice their right to continue without settlement. Mr. Dickinson indicated that was his thinking. Mr. Shevin concurred, stating that it probably would be difficult to reach a settlement but they had a responsibility to consider any offer Coastal might make. The end result might still be a decision to continue the litigation.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the consensus was that counsel should explore the possibility of settlement by some compromise.

Mr. Beckham said when his firm was retained to handle the appeal all these problems were not anticipated, and that because of the certification procedure the expense and fees would be larger than originally indicated.

Conservation Area 2 Draw-down.

Mr. Kuperberg asked for consideration of a matter brought to his attention on Friday, of a draw-down by Central and Southern Florida Flood Control District of the water level in Conservation Area 2 over which the District held an easement and the Trustees had an interest as owners of certain lands therein. While the draw-down was within the District's purview, Mr. Kuperberg felt it would be good procedure to indicate that the Board had no objection. He explained that this work could not be done at high water because of seepage and the Chief Engineer of the Flood Control District had assured the staff that draw-down could be done without unduly impinging upon water supplies of the area.

Stating that the recommendation was proper and commendable, Mr. Dickinson made a motion, seconded by Mr. O'Malley and passed without objection, that the Trustees indicate no objection to the draw-down of water in Conservation Area 2 by Central and Southern Florida Flood Control District.

PINELLAS COUNTY - Beach Nourishment at Indian Rocks Beach.

In the matter of federal emergency restoration of Pinellas County beaches, delayed for some time to permit the Corps of Engineers to locate a suitable disposal area for material found to be unsuitable for use on the beaches damaged by Hurricane Agnes, Mr. Kuperberg said the staff could not recommend giving some 20,000 cubic yards of material to a private owner and as a result of negotiations, Mayor Merrett R. Stierheim had advised that the City of Clearwater would immediately send a telegram to the Corps of Engineers requesting that the subject material be placed on the grounds of the public park that Clearwater planned to purchase from U. S. Steel for public use. In the event that land does not become public, the Director recommended that the Board allow the material to be deposited, with U. S. Steel to be responsible to pay the value of the material in place as was done recently in the case of the Fort Pierce Port and Airport Authority.

Mr. Stone made a motion, seconded by Mr. Dickinson and passed without objection, that the Director's recommendation be approved as the action of the Board.

Concluding the addenda, the Trustees considered the second agenda item that was passed over at the beginning of the meeting.

-2-

Request adoption of rules required by Section 2, Chapter 72-261, Laws of Florida (Section 253.136, F.S., 1972 Supplement).

The rules should be adopted as an emergency, to be effective immediately upon filing with the Secretary of State. Such adoption will make the rules effective for 90 days, and before permanent rules are adopted to take effect upon filing with the Secretary of State, we may have enough public reaction to make amendments which will improve their operation. The rules must be subsequently readopted after public hearing at the meeting to be held April 17, 1973 (which may be recessed to May 1, 1973) pursuant to notice as required by statute.

Rule #1

This is submitted as Part IV of Chapter 18-5 (Sections 18-5.45 through 18-5.50, inclusive) and relates to the submission of applications to the Trustees within 100 days of filing, with the executive director's recommendation, unless delayed for cause attributable to the applicant.

Rule #2

This is submitted as an addition to Chapter 18-2 (regulations relating to sovereignty lands) and consists of Sections 18-2.093, 18-2.094 and 18-2.095.

18-2.093 is a composite of applicable policies of the Trustees, adopted from time to time, and administrative practices, relating to the requirements connected with application for a permit to work in navigable waters of the state.

18-2.094 is a composite of practices followed in accepting and processing applications from receipt to issuance of permit.

18-2.095 relates to the exemption from many of the time consuming requirements of what, for lack of a simpler and more accurate

term, we can refer to as small projects. Various factors have been taken into consideration, such as significance of areas to be affected, frequency of applications by size categories and public or quasi-public use of completed projects. The cost of projects exempted from most procedures was placed at the maximum allowable in order to give the statute significant meaning as intended by the Legislature.

Staff recommends adoption of the rules as emergency measures, inasmuch as the Legislature has determined that they be put into operation within forty-five days from the effective date of the law. Under its terms, the act became effective on January 1, 1973; the forty-five days expires at midnight, February 14, 1973.

ACTION OF THE TRUSTEES:

Mr. S. Sherman Weiss, Trustees' legal counsel who drafted the rules, said he had five pages of amendments suggested by the cabinet aides dealing principally with three changes extending the maximum time from 100 to 120 days, reducing the exemption in areas of environmental significance from 1,000 yards to 500 yards, and incorporating into the definition of an area of environmental significance those plants which are found in fresh waters of the state. The regulations as originally presented dealt only with salt water plants. Mr. Weiss pointed out that the regulations would have to be readopted in April at which time they could be re-examined.

With reference to the Attorney General's question of the possibility of reducing the maximum from 500 to 100 yards, the Governor noted that the rules were prepared to comply with the legislative mandate and the maximum limit proposed by the staff was probably as low as possible to be workable for any emergency procedures in productive areas.

Responding to suggestions by Mr. O'Malley, Mr. Weiss said a policy concerning regular applications for exemptions was covered in the amendments and all the time periods would be reconciled throughout the rules.

Mr. Stone suggested that when the rules are re-examined in about two months, consideration be given to allowing only one of this type of application for an applicant within a twelve-month period to avoid creating a loophole. Mr. Dickinson agreed, noting that upon re-examination those suggestions might be implemented as prudence and protection of the public might deem proper.

Motion was made by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, that the Trustees adopt the amendments to the rules and adopt the rules as amended as emergency measures.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

R E S O L U T I O N

WHEREAS the Big Cypress Watershed is a unique and ecologically priceless natural resource of the State of Florida; and

WHEREAS the State of Florida is profoundly concerned and vitally interested in the protection and preservation of this natural resource; and

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WHEREAS this priceless heritage was not recognized as such and was permitted to fall into private ownership over the course of many years; and

WHEREAS members of the United States Congress have expressed concern for the future of this natural resource and an intent on the part of the Congress to acquire the heartlands of the Big Cypress Watershed; and

WHEREAS, in matters of concern, often a dedicated and conscientious citizen will furnish the spark which lights the torch for others to carry in the accomplishment of deeds redounding to the benefit of generations to follow; and

WHEREAS Mrs. Sandra Kay Hamilton of Battle Creek, Michigan, has demonstrated her willingness to be such a person by donating to the State of Florida thirty acres of land owned by her within the Big Cypress acquisition area; and

WHEREAS the Trustees of the Internal Improvement Trust Fund wish to publicly acknowledge Mrs. Hamilton's philanthropy and her unselfish action, as well as to express to her the appreciation of the State of Florida for having set an example for others to follow: Therefore be it

RESOLVED by the Board of Trustees of the Internal Improvement Trust Fund, that the thanks of the Board on behalf of the State of Florida, is hereby expressed to Mrs. Sandra Kay Hamilton for her generous donation to this state; and be it

RESOLVED further, That this resolution shall be spread upon the minutes of this meeting and a copy hereof be suitably enrolled, signed and sealed and presented to Mrs. Hamilton, and a copy be directed to the attention of each member of the Congress of the United States from Florida as an indication of the public interest and concern for the future of the Big Cypress Watershed as part of the public domain in perpetuity.

WITNESS the signatures of the Trustees and the Seal of the Board at Tallahassee, Florida, this 6th day of February, A. D. 1973.

REUBIN O'D. ASKEW
Governor

RICHARD (DICK) STONE
Secretary of State

ROBERT L. SHEVIN
Attorney General

THOMAS D. O'MALLEY
Treasurer

FRED O. DICKINSON, JR.
Comptroller

DOYLE CONNER
Commissioner of Agriculture

FLOYD CHRISTIAN
Commissioner of Education

(SEAL)
State of Florida Board
of Trustees of the
Internal Improvement
Trust Fund

As and constituting the State of
Florida Board of Trustees of the
Internal Improvement Trust Fund

* * * * *

R E S O L U T I O N

WHEREAS, certain real property owned by the United States, located in the County of Dixie, State of Florida, has been

February 6, 1973

declared surplus and is subject to assignment for disposal for educational or public health purposes by the Secretary of Health, Education, and Welfare, under the provisions of Section 203 (k) (1) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, as rules and regulations promulgated pursuant thereto, more particularly described as follows:

Tract No. 103

A tract or parcel of land located at the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, Township 10 South, Range 12 East, Dixie County, Florida, the property known as the Cross City Air Force Station, Family Housing Area, more particularly described as follows:

Commence at the Northeast corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, for a point of reference; run thence South 89 degrees 18 minutes 50 seconds West, 240 feet, more or less, to the West bank of an existing rim canal and the point of beginning. From said point of beginning, continue South 89 degrees 18 minutes 50 seconds West, 1080 feet to the Northwest corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 2; thence South 00 degrees 02 minutes 40 seconds East, 220 feet, more or less, to a point on the arc of a circular curve to the right-with a radius of 111.80 feet and length of approximately 146.75 feet; run thence along said arc to the right, 146.75 feet to a point; thence South 2 degrees 38 minutes 29 seconds East, 34.67 feet to a point; thence North 89 degrees 57 minutes 20 seconds East, 190 feet to a point; thence South 0 degrees 02 minutes 40 seconds East, 200 feet to a point; thence South 89 degrees 57 minutes 20 seconds West, 100 feet to a point; thence South 0 degrees, 02 minutes 40 seconds East, 275 feet, more or less, to the Northern right-of-way line of an existing drainage canal; thence North 86 degrees 36 minutes 49 seconds East, 1300 feet more or less, to the Western edge of an existing rim canal; thence meander Northerly along the West bank of said rim canal, 800 feet, more or less, to the point of beginning, containing 19.60 acres.

WHEREAS, the STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND, needs and will utilize said property for educational purposes as set forth in its application and in accordance with the requirements of said Act and the rules and regulations promulgated thereunder, of which this Board is fully informed;

BE IT FURTHER RESOLVED that the STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND, has legal authority, is willing and is in a position to assume immediate care and maintenance of the property, and that Mr. Emmett S. Roberts, Secretary, of the Department of Health and Rehabilitative Services, be and he is hereby authorized, for and on behalf of the STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND, to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents, the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property including the filing of copies of the application and the conveyance documents in the records of the Board, and the payment of any and all sums necessary on account of the purchase price thereof or fees (including the service charge, if any, assessed by the State Agency for Surplus Property) or costs incurred in connection with the transfer of said property for surveys, title searches, appraisals, recordation of instruments, or escrow costs.

REUBIN O'D. ASKEW
Governor

RICHARD (DICK) STONE
Secretary of State

February 6, 1973

ROBERT L. SHEVIN
Attorney General

FRED O. DICKINSON, JR.
Comptroller

THOMAS D. O'MALLEY
Treasurer

Commissioner of Education

DOYLE CONNER
Commissioner of Agriculture

(SEAL)

State of Florid Board of
Trustees of the Internal
Improvement Trust Fund

As and constituting the State of
Florida Board of Trustees of the
Internal Improvement Trust Fund

* * * * *

Tallahassee, Florida
February 20, 1973

The Board of Trustees of the Internal Improvement Trust Fund
met on this date in the Haydon Burns Auditorium with the
following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg	Executive Director
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Without objection, the minutes of the meeting on January 16,
1973, were approved as submitted.

-2-

BAY COUNTY - Murphy Act Land Sale
(January 26, 1973)

LAND

DESCRIPTION: Lot 14, Block 95, Lynn Haven, Section 4,
Township 3 South, Range 14 West, Bay County.

LOCATION: Subject lot is within the incorporated limits of
the City of Lynn Haven and approximately 5 feet
above mean sea level. Approximately 50% of the
lot is usable land, dry sandy soil, level and
well drained. The remaining 50% of the lot is
vegetated with needle grass and subject to flood
during high tides. The lot abuts an unpaved street.

APPRAISAL: By staff appraiser, \$250.

AUTHORITY
FOR SALE: Section 197.350, Florida Statutes.

DATE OF
SALE: January 24, 1973, by Clerk of the Circuit Court of
Bay County.

HIGH BIDDER: William K. Beyer and wife, Ada Beyer
Lynn Haven, Florida

February 20, 1973

HIGH BID: \$250.

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Recommend confirmation of sale of the lot to William K. Beyer and wife, Ada Beyer, for \$250 plus costs of advertising and clerk's fee.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees confirmed sale of the Murphy Act land to Mr. Beyer and wife as recommended.

-3-

JEFFERSON COUNTY - Murphy Act Land Sale (Hardship Act)
(January 23, 1973)

APPLICANT: O. R. Hamrick, Jr.
Post Office Box 269, Madison, Florida

REQUEST: Application under Section 197.355, Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act), to purchase the east part of Lot 136, George Survey, Township 3 North, Range 4 East, Jefferson County, containing 29 acres embraced in Tax Sale Certificates Nos. 40 of August 6, 1917, 37 of October 6, 1919, 90 August 1, 1921, 120 of August 7 of 1922 and 518 of September 4, 1933.

OFFER: \$290 for this 29-acre parcel of land, which is \$10 per acre. The 1932 assessed value was approximately \$100.00.

STAFF

COMMENTS: Section 197.355, Florida Statutes, provides that the Board may convey the interest of the state to the owner in 1939, or those claiming by, through or under that owner, for such consideration as the Board shall deem equitable and proper without advertisement and public sale. Ownership of this parcel of land is vested in O. R. Hamrick, Jr., heir of O. R. Hamrick, Sr., as successor in title to Olin S. Horne, the owner on June 9, 1939. The applicant qualifies under the so-called "Hardship Act."

Due to the vague and incomplete legal description of this land as described in these certificates, they apparently were overlooked when an attempt was made to clear up all outstanding back taxes.

There has been deposited with the Clerk of the Circuit Court of Jefferson County an amount equal to the sum of all state, county taxes and assessments due to the date of the application.

Recommend conveying the interest of the State of Florida in this parcel of land to O. R. Hamrick, Jr., for not less than \$10 per acre or \$290, following established policy.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved sale of this parcel of Murphy Act land as recommended by the staff.

-4-

OSCEOLA COUNTY - Lease for Gliderport
(August 31, 1972)

APPLICANT: Florida Soaring Society, Incorporated, a non-profit Florida corporation.

REPRESENTED

BY: Palmer W. Collins, Attorney
Post Office Box 1486, Melbourne, Florida

February 20, 1973

REQUEST: Lease of a tract of state land for use as a glider and sailplane facility.

LOCATION: 55 acres in Section 17, Township 27 South, Range 33 East, Osceola County.

This parcel of land is an abandoned grass airstrip formerly known as the Holopaw Emergency Field which is uncommitted for use by the state at the present time. It is 27 miles west of Melbourne on State Road No. 500. The tract appears to be favorable for the use of glider planes because it is outside the scope of existing control zones, remote from concentrated residential areas and has sufficient elevation for the purpose.

Staff favors a lease containing the following special terms and conditions:

- (1) Term of three years subject to renewal for an additional three years at the option of the Trustees.
- (2) Use restricted to glider and sailplane activity and directly related activities.
- (3) Lease subject to lessee obtaining all necessary permits and licenses.
- (4) Lease subject to cancellation following 120-day written notice.
- (5) Annual rental of \$100 payable in advance.
- (6) Requirement that lessee maintain airstrip in a usable condition by keeping strip mowed and free of obstructions.
- (7) Requirement that airstrip be open for use by the public without charge.
- (8) No permanent buildings or structures allowed without prior consent of Trustees.

Applicant has filed with the Federal Aviation Administration the appropriate form to allow reactivation of the abandoned airstrip for restricted use as a gliderport. Site evaluation and approval will be necessary from the Department of Transportation under state airport licensing laws when applicant has control of the property.

Recommend lease of the 55 acres to Florida Soaring Society, Incorporated, for glider and sailplane activities under the terms and conditions set forth above.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved lease of the 55 acres to Florida Soaring Society, Inc., for glider and sailplane activities under the terms and conditions set out above.

-5-

DADE COUNTY - Road Right of Way Easement
(February 5, 1973)

APPLICANT: Dade County Board of County Commissioners.

REQUEST: Easement for a connector road around the campus of Florida International University.

LOCATION: 5.763 acres in NW¼ of Section 7, Township 54 South, Range 40 East, Dade County.

Dade County by Resolution No. R-6-73 adopted January 9, 1973, requests sufficient land on the north and west sides of the Florida International University campus for a connector road

February 20, 1973

from Southwest 117 Avenue to Southwest 112 Avenue, to provide an alternate route for traffic around the perimeter of the University rather than through the campus. Dade County will return to the state 0.577 acre of land no longer needed for right of way in connection with an interchange on the Homestead Extension of the Florida Turnpike.

The Facilities Committee of the Board of Regents has reviewed and approved issuance of the easement.

Recommend issuance of easement for public highway purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board authorized issuance of easement to the Board of County Commissioners of Dade County for public highway purposes only.

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At the request of Mr. W. D. Wilson, Jr., Chairman of the Board of County Commissioners of Taylor County, the Trustees deferred hearing discussion of a line of demarcation along the coast that had been placed on the agenda at the request of the county.

-7-

JACKSON COUNTY - Dedication for Sewage Treatment Facility
(January 29, 1973)

APPLICANT: Town of Sneads

REQUEST: Thirty acres of land at Apalachee Correctional Institution for location of a sewage treatment facility by the Town of Sneads.

LOCATION: In the W½ of SW¼ of Section 3, Township 3 North, Range 7 West, Jackson County.

The Department of Health and Rehabilitative Services has reviewed and approved the request of the Town of Sneads. The treatment facility to be constructed by the town will be used by the Apalachee Correctional Institution, eliminating the need for construction of a new plant at the institution. The sewage system and sprinkler irrigation project for the town has been reviewed and approved by the Department of Pollution Control.

Recommend dedication of the thirty acres to the Town of Sneads for sewage treatment facility purposes only, subject to the title reverting in the event the land is used for other purposes or not used for sewage treatment facility purposes within a period of five years.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board approved dedication of thirty acres to the Town of Sneads for the purpose requested subject to the reversion provision recommended by the staff.

-8-

DADE COUNTY - Application for Disclaimer
File No. 2492-13-253.129 (0.0233 acre)
(January 11, 1973)

STAFF DESCRIPTION: Three parcels of filled sovereignty land in the Biscayne Bay abutting Section 30, Township 53 South, Range 42 East, Dade County.

A. CITY AND COUNTY: Miami, Dade County.

- B. APPLICANT: Biscayne Bay Development Corporation.
- C. APPLICANT'S
REPRESENTATIVE: Michael B. Werner
Suite 303, Roberts Building
28 West Flagler Street, Miami, Florida 33130
- D. ACREAGE: Total for three parcels, 0.0233 acre
- E. APPRAISAL: Not applicable.
- F. BIOLOGICAL
REMARKS: Not applicable.
- G. STAFF REMARKS: The parcels are between original upland
ownerships and parcels of sovereignty bottoms
previously sold by the Trustees and filled
by a predecessor in title. Application has
been made pursuant to Section 253.129, Florida
Statutes, which provides that "The title to
all lands heretofore filled or developed is
herewith confirmed in the upland owners and
the trustees shall on request issue a dis-
claimer to each such owner."

Two affidavits have been submitted which state that the three
parcels were filled during the summer of 1956 by a predecessor
in title.

\$100 processing fee has been submitted.

Staff requests authority to issue the disclaimer.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed
without objection, the Board authorized issuance of the
disclaimer requested by Biscayne Bay Development Corporation.

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SANTA ROSA COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Sun Oil Company
Dallas, Texas

REQUEST: Consideration of oil and gas lease bids.

LOCATION: NW¼ of SE¼ of Section 13, Township 5 North, Range
30 West, Santa Rosa County, less North 66 yards,
containing 34 surface acres and 17 net mineral acres.

INTEREST
OF STATE: State of Florida under Chapter 18296, Acts of 1937
(Murphy Act), holds an undivided one-half interest
under Murphy Act Deed No. 406. Proceeds from the
lease will go to General Revenue unallocated.

The lease requires an annual rental of \$1 per net mineral acre,
\$50,000 surety bond, 1/6 royalty and at least one test well
every 2½ years drilled to 6,000 feet or to a depth sufficient
to test the Norphlet Sands, whichever is deeper.

Invitation to bid was advertised pursuant to law in the Tallahassee
Democrat and the Press-Gazette, Milton, Florida, with bids to be
opened at 10:00 A.M. (EST) on February 20 for consideration by
the Trustees. The right to reject any or all bids is reserved.

Before lease can be issued it is necessary to hold a public
hearing to allow interested persons to be heard with respect
to issuance of lease. The hearing is required by Section 253.52,
Florida Statutes, when a lease area lies within a radius of
three miles of the boundary of any incorporated city or town.
The corporate boundary of the Town of Jay lies within three
miles of the lease area.

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Recommend that James T. Williams of the Trustees' staff be designated to conduct the public hearing pursuant to law and report to the Trustees the results of the hearing, prior to the Trustees' taking final action on the proposed lease.

ACTION OF THE TRUSTEES:

Mr. James T. Williams of Land Records Division of the Trustees' office reported that three bids were received, one of which he could not recommend accepting because it was not properly marked as a sealed bid as called for in the notice. The other two bids were read, as follows:

Sun Oil Company, total bid amount of \$187.00

Arden A. Anderson and Frederick Gillmore III of Pensacola, total bid amount of \$15,168.11 which consisted of the first year's rental of \$17 and a cash bonus of \$15,151.11.

Mr. Christian made a motion that the high bid be accepted. Mr. Williams informed the Trustees that prior to awarding the lease it would be necessary to hold a public hearing because the land was located within three miles of the corporate limits of the Town of Jay.

On motion by Mr. Conner, seconded by Mr. Stone, the Board received the bids and took no action until after the public hearing that Mr. Williams was authorized to conduct.

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SUWANNEE COUNTY - Drainage Ditch Easement
(September 19, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

REQUEST: Easement across state land for two outfall and drainage ditches.

LOCATION: 0.50 acre in W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 15, Township 2 South, Range 14 East, being a part of the University of Florida Experiment Station in Suwannee County.

The Board of Regents has reviewed and approved granting the easement.

Recommend issuance of the drainage easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the drainage easement to the Department of Transportation.

-11-

LEE COUNTY - Advertise for Oil and Gas Lease
(January 23, 1973)

APPLICANT: Exxon Company, U.S.A.
New Orleans, Louisiana

REQUEST: Advertise for sealed bids on oil and gas lease

LOCATION: Sunland Training Center at Fort Myers, in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 7, S $\frac{1}{2}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8, North 1730 feet of W $\frac{3}{4}$ of Section 17, and North 1730 feet of E $\frac{1}{2}$ of Section 18, in Township 44 South, Range 26 East, Lee County, containing 502.12 acres.

INTEREST

OF STATE: The Trustees hold fee title to this tract of land which is leased to the Department of Health and Rehabilitative Services for its use and benefit. All proceeds from the proposed lease will go to that Department.

The Department of Health and Rehabilitative Services has reviewed this request and is agreeable to offering the property for lease provided the right is reserved by the Department to approve or disapprove the drilling of any wells proposed on the leased land.

This request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term oil and gas drilling lease with annual rental of \$1 per net mineral acre, 1/8 royalty, \$100,000 surety bond, at least one test well every 2½ years drilled to 6,000 feet or to the top of the Sunniland limestone formation or equivalent, whichever is deeper, with the right reserved by the Department of Health and Rehabilitative Services to approve or disapprove the drilling of any wells proposed on the leased land.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved advertising the land for sealed bids for an oil and gas lease as recommended by the staff.

-12-

BAY COUNTY - Murphy Act Conveyance
(February 7, 1973)

APPLICANT: City of Lynn Haven,
represented by William V. Kinsaul, City Manager
Lynn Haven, Florida 32444

REQUEST: Purchase of a parcel of land described as follows:
Begin at the Northwest corner of Lot 1, Block 6 of the Lynn Haven (Amendment to Plat No. 1) Plat Book 5, page 11 of the Public Records of Bay County, Florida; thence North along the extended West line of Lot 1 a distance of 95 feet, more or less, to the waters of St. Andrews Bay; thence Westerly, Southerly and Easterly along the waters of St. Andrews Bay and an unnamed bayou to a point 3 feet South of the Point of Beginning; thence North 3 feet to Point of Beginning, .44 acre, more or less, under Section 197.350(1) (b), Florida Statutes.

OFFER: \$660, value determined by staff appraiser.

PURPOSE: Public park and beach purposes.

Recommend issuance of deed to City of Lynn Haven under Section 197.350 (1) (b), without advertisement and public sale for the appraised price of \$660.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of a deed conveying the parcel of land to the City of Lynn Haven under Section 197.350(1) (b) as recommended by the staff.

-13-

ORANGE COUNTY - Electric Transmission Line Easement

APPLICANT: Florida Power Corporation
St. Petersburg, Florida

REQUEST: An eight-foot wide easement for overhead electrical facilities and a ten-foot wide easement for underground electrical facilities to service the new Division of Corrections' Community Corrections Center at the Sunland Hospital near Orlando.

LOCATION: East 8 feet of South 260 feet of W½ of SE¼ and North 10 feet of South 246 feet of East 210 feet of W½ of SE¼ in Section 14, Township 22 South, Range 28 East, Orange County.

The Department of Health and Rehabilitative Service has reviewed and approved issuance of the easement.

Recommend issuance of the easement requested for electrical distribution and transmission line purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the easement to Florida Power Corporation for electrical distribution and transmission line purposes only.

-14-

FRANKLIN AND GULF COUNTIES - Seismic Survey Permit
(February 12, 1973)

APPLICANT: TransOcean Oil, Inc.
1700 First City East Bldg., Houston, Texas 77002

REQUEST: To conduct a seismic survey using air gun method which will not utilize explosive charges.

LOCATION: In the Gulf of Mexico, offshore on a line extending from Cape San Blas eastward to Cape St. George.

TransOcean has applied for a permit from the Department of Natural Resources and has obtained permission from Coastal Petroleum Co. as a portion of the proposed seismic survey line extends into Coastal's Lease No. 224-A, as Modified.

Recommend approval and consent to the seismic survey insofar as the interest of the Trustees extends, subject to approval of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved and consented to the seismic survey as recommended by the staff.

-15A-

OKALOOSA COUNTY - Right of Way Easement File 2451-46-253.03
(April 10, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Drainage for storm water outfall, a part of construction for State Road 20. Some dredging is required.

LOCATION: 0.20-acre parcel of sovereignty land in Garnier's Bayou, abutting Section 1, Township 2 South, Range 24 West, Okaloosa County.

February 20, 1973

PAYMENT: None.

STAFF

REMARKS: Field Operations Division recommends issuance of the easement subject to requiring use of turbidity controls during construction.

ECOLOGICAL

RESPONSES: Department of Natural Resources - No objection.

Game and Fresh Water Fish Commission - Should degradation of the waters occur to a serious extent the Commission would undoubtedly require remedial action.

Department of Pollution Control - No objection.

- OTHERS: 1. The Okaloosa County Pollution Control and Water Resources Advisory Board approved the present plans November 21, 1972.
2. The Board of County Commissioners of Okaloosa County approved the project August 17, 1971.

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the easement to the Department of Transportation.

-15B-

OKALOOSA COUNTY - Dredge Permit No. 253.123-1138
(April 10, 1972)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To construct an outfall for storm drainage into
Garnier Bayou

LOCATION: Section 1, Township 2 South, Range 24 West,
Garnier Bayou, Okaloosa County.

MATERIAL: Approximately 332 cubic yards of material to be removed.

STAFF

REMARKS: Field Operations Division recommends issuance of the permit, but requires the use of turbidity controls during construction to prevent siltation of the bayou.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The project would not adversely affect marine biological resources.

Game and Fresh Water Fish Commission - Road runoff is usually high in nutrients and other deleterious substances which will serve to degrade the waters of the bayou. Should degradation occur to a serious extent, we would undoubtedly require remedial action.

Department of Pollution Control - This department has no objection.

- OTHERS: 1. The Board of County Commissioners of Okaloosa County approved the project on August 17, 1971.
2. The Okaloosa County Pollution Control and Water Resources Advisory Board approved the present plans November 21, 1972.

Staff recommends issuance of Permit No. 253.123-1138 subject to the use of turbidity controls during construction.

February 20, 1973

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the permit subject to the provision recommended by the staff.

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CHARLOTTE COUNTY - Maintenance Dredging Permit No. 08-21-0430
(September 12, 1972)

APPLICANT: City of Punta Gorda
326 West Marion Avenue, Punta Gorda, Florida 33950

PROJECT: To perform maintenance dredging so that the navigable capacity of Shell Creek is maintained.

LOCATION: Section 20, Township 40 South, Range 24 East,
Charlotte County.

MATERIAL: Approximately 685 cubic yards of material to be removed and placed on upland owned by the City of Punta Gorda.

PAYMENT: Not applicable, as the material will be placed on city-owned upland.

STAFF REMARKS: Field Operations Division has no objection to the proposed maintenance project.

ECOLOGICAL RESPONSES: Department of Natural Resources - The proposed dredging should not have adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - This department has no objection to the project.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Permit No. 08-21-0430.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the permit for maintenance dredging.

-17-

COLLIER COUNTY - Fill Permit No. 11-12-0230
(November 17, 1972)

APPLICANT: Captain Ted R. Smallwood
Post Office Box 95
Everglades City, Florida 33929

PROJECT: To restore a bulkhead 1,421 feet long along the Barron River.

LOCATION: Section 11, Township 53 South, Range 29 East,
Barron River, Collier County.

MATERIAL: 1,000 cubic yards of fill to be trucked in.

PAYMENT: Not applicable.

STAFF REMARKS: Field Operations recommends approval of permit subject to strict adherence to permit stipulations.

February 20, 1973

ECOLOGICAL

RESPONSES: Department of Natural Resources - No adverse effects on marine resources are foreseen as a result of the project. Riprap bulkheading is recommended on biological and hydrographic grounds.

Game and Fresh Water Fish Commission - This department has no objection.

Department of Pollution Control - This department has no objection to the proposed project.

NOTE: The applicant was notified of the recommendation of the Department of Natural Resources. He requested that the application for a vertical seawall be approved since a riprap seawall would not meet his requirements.

Staff recommends issuance of Permit No. 11-12-0230.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the permit to Captain Smallwood was approved.

-18-

DADE COUNTY - Dredge and Fill Permit No. 253.123-1139
and 253.124-289
(November 16, 1972)

APPLICANT: Island House Apartments, Inc.
One Ocean Lane Drive, Key Biscayne, Florida 33149

PROJECT: To dredge from an offshore borrow area for beach nourishment purposes.

LOCATION: Section 33, Township 54 South, Range 42 East,
shore of Atlantic Ocean, Dade County.

MATERIAL: 7,500 cubic yards of sovereignty material to be placed on sovereignty land adjacent to upland owned by applicant for beach nourishment.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection to the project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - October 16, 1970:
The proposed dredging and filling should not have significant adverse effects on marine life of the area.

Bureau of Beaches and Shores - September 19, 1972:
Such a combined program should have substantial benefits both with regard to beach preservation and protection to upland property.

Game and Fresh Water Fish Commission withdrew its objections to the project.

Department of Pollution Control - This department has no objections to the project.

OTHERS: Dade County approved the project by Resolution No. R-1433-70 dated December 1, 1970.

Staff recommends issuance of Permits No. 253.123-1139 and 253.124-289.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the permits.

February 20, 1973

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DUVAL COUNTY - Dredge Permit No. 253.123-1199
(May 10, 1972)

APPLICANT: Reinhold Corp., c/o Harbor Engineering Co.
1039 Flagler Avenue, Jacksonville, Florida 32207

PROJECT: To dredge a channel approximately 50 feet wide x
500 feet long to a depth of -5 feet mean low water
and deposit the spoil material on uplands.

LOCATION: Section 37, Township 1 South, Range 29 East,
Fort George River, Duval County.

MATERIAL: Approximately 2,985 cubic yards of material to be
placed on uplands.

PAYMENT: \$2,985 for material to be removed.

STAFF
REMARKS: It doesn't appear that any damage of significant amount
will occur from the dredging or the placement of spoil
as long as precautions are taken. No creeks should
be filled.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - If the work is
carefully done to minimize turbidity and siltation,
the dredging should not have significant adverse
effects on marine biological resources. The spoil
area should be adequately diked to retain the dredged
materials and should exclude productive marsh grass
bottoms.

Game and Fresh Water Fish Commission - The proposed
work will have no deleterious effects on fish or wild-
life in the area.

Department of Pollution Control - This department has
no objection to the proposed project.

Staff recommends issuance of Permit No. 253.123-1199 provided
the spoil area is adequately diked to preclude damage to adjacent
marsh and turbidity controls are utilized during dredging.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed
without objection, the Trustees approved issuance of the permit
with the provisions recommended by the environmental agency.

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ESCAMBIA COUNTY - Artificial Reef Permit No. 17-32-0310
(December 18, 1972)

APPLICANT: Santa Rosa Island Authority
Post Office Box 9008, Pensacola Beach, Florida 32561

PROJECT: To construct an artificial fishing reef in the Gulf
of Mexico in water of 70 foot depth; will extend
15 feet above the natural bottom.

LOCATION: 30 degrees, 16 minutes, 54 seconds North Latitude,
87 degrees, 10 minutes, 24 seconds West Longitude,
Gulf of Mexico, Escambia County.

MATERIAL: Three open hopper barges filled with concrete pipe
and rubble.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations Division has no objection to the
proposed reef.

February 20, 1973

ECOLOGICAL
RESPONSES:

Department of Natural Resources - Installation of the proposed offshore artificial reef should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - This department has no objection.

Department of Pollution Control - This department has no objection to the proposed subject project.

Staff recommends issuance of Permit No. 17-32-0310.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of Artificial Reef Permit No. 17-32-0310.

-21-

HILLSBOROUGH COUNTY - Dredge and Fill Permit No. 29-31-0186
(October 5, 1972)

APPLICANT: Underwriter's Laboratories, Inc.

c/o Watson and Company

Post Office Box 18405, Tampa, Florida 33609

PROJECT: To construct a seawall and incidental backfilling adjacent and contiguous to existing uplands and construction of a boat slip with incidental navigational maintenance dredging.

LOCATION: Section 8, Township 30 South, Range 18 East,
Old Tampa Bay, Hillsborough County.

MATERIAL: 500 cubic yards of material to be placed behind the seawall. (Amount of material to be removed from submerged lands not owned by the applicant is nominal, a few cubic yards at most.)

PAYMENT: Not applicable. State-owned submerged lands not involved.

STAFF

REMARKS: Field Operations has no objection to the project provided the bulkhead is in place prior to any filling.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The proposed bulkhead and fill should have relatively limited adverse effects on marine life.

Game and Fresh Water Fish Commission - Recommend that the proposed bulkhead be relocated to above the mean high water line and that no filling take place below this point. Also, recommend that the applicant consider the use of a riprap wall rather than a vertical concrete seawall.

Department of Pollution Control - Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

OTHERS: Tampa Port Authority issued Permit No. TPA 72-14 on September 13, 1972.

NOTE: Applicant has considered the Game and Fresh Water Fish Commission comments and feels that the location of the bulkhead as proposed must remain. He would consider placement of rock riprap at the toe of the bulkhead for erosion protection.

February 20, 1973

Staff recommends issuance of Permit No. 29-31-0186 provided rip-rap is placed along the face of the seawall and the seawall is constructed prior to placement of fill.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the dredge and fill permit with the provisions recommended by the staff.

-22-

MONROE COUNTY - Dredge Permit No. 253.03-352
(November 20, 1972) (Revised)

APPLICANT: Neptunian Mariculture Industries & Research, Inc.
Box 19-D, Islamorada, Florida 33036

PROJECT: To dredge a water intake canal 7.5 feet wide x 5.7 feet deep x 20 feet long extending from the low tide line.

LOCATION: Sections 7, 8, 18, Township 63 South, Range 38 East, Plantation Key, Monroe County.

MATERIAL: Approximately 160 cubic yards of material to be placed on uplands.

PAYMENT: \$240 for state-owned material at standard rate.
\$1,200 previously submitted for original proposal.

STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - A project of such limited dimensions will not have significant adverse effect on marine natural resources.

Game and Fresh Water Fish Commission - This department offers no objection to the project.

Department of Pollution Control - This department intends to certify the opening of one canal to the ocean.

Staff recommends issuance of Permit No. 253.03-352 and refund of \$860 overpayment.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the dredge permit and \$860 refund to the applicant.

-23-

BAY COUNTY - Marina License and Construction Permit 03-30-0234
(October 27, 1972)

APPLICANT: Grand Lagoon Company
Post Office Box 9137, Panama City, Florida 32401

PROJECT: To construct docking facilities covering approximately 4,960 square feet in an existing basin of a private yacht and country club.

LOCATION: Section 14, Township 4 South, Range 15 West, Grand Lagoon, Bay County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF

REMARKS: Field Operations has no objection to issuance of the marina license provided fueling facilities comply with the Department of Pollution Control recommendations.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The addition of the proposed docks in the basin area should not have any detrimental effects on marine biological resources.

Game and Fresh Water Fish Commission - This department has no objection.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Marina License and Construction Permit No. 03-30-0234 subject to compliance with Department of Pollution Control's guidelines regarding fueling facilities.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the marina license and construction permit subject to compliance with guidelines of the Department of Pollution Control regarding fueling facilities.

-24-

PALM BEACH COUNTY - Marina License and Construction Permit
No. 50-30-0050
(December 15, 1972)

APPLICANT: Woodside Associates
c/o Lindahl-O'Brien, Inc.
Post Office Box 727, Jupiter, Florida 33458

PROJECT: To construct a 200-foot x 4-foot wood dock on the south shore of the Loxahatchee River.

LOCATION: Section 36, Township 40 South, Range 42 East, Loxahatchee River, Palm Beach County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum fee.

STAFF

REMARKS: Field Operations Division has no objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Construction of the proposed dock should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - This department has no objection.

Department of Pollution Control - Recommend that the dredging portion be deleted. No objection to the dock construction.

Staff recommends issuance of Marina License and Construction Permit No. 50-30-0050.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the marina license and construction permit was approved.

-25-

PINELLAS COUNTY - Marina License Renewal Permit ML-78
(January 8, 1973)

APPLICANT: Points West Apartments, (Greenfeathers, Inc.)
c/o James R. Moody
12000 Capri Circle, Treasure Island, Florida 33706

PROJECT: To renew ML-78 for one year.

LOCATION: Section 23, Township 31 South, Range 15 East,
Pinellas County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF

REMARKS: Field Operations has no objection. The dock
conforms to the approved plans.

ECOLOGICAL

RESPONSES: Not applicable.

Staff recommends renewal of ML-78 for one year.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed
without objection, renewal of the marina license for one year
was approved.

-26-

PALM BEACH COUNTY - Erosion Control Line and Dredge Permit
No. 50-24-0261
(November 8, 1972)

APPLICANT: City of Delray Beach
c/o Arthur V. Strock
829 S. E. Ninth Street, Palm Plaza
Deerfield Beach, Florida 33441

PROJECT: To establish an erosion control line in accordance
with the provisions of Section 161.151, Florida
Statutes, for the purpose of nourishing 15,096 lineal
feet of eroded beach, and to dredge 1,100,000 cubic
yards from a borrow area located 2,500 feet offshore
in the Atlantic Ocean, the material to be placed along
14,000 feet of Delray Beach (survey attached as exhibit).

LOCATION: Atlantic Ocean adjacent to Sections 9, 10, 15, 16, 21 and
28, Township 46 South, Range 43 East, Palm Beach County.

MATERIAL: 1,100,000 cubic yards of material.

PAYMENT: None. Material will be placed on sovereignty land.

STAFF

REMARKS: Field Operations Division has no objections to the
proposed beach restoration.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The Bureau of Beaches
and Shores certifies that severe beach erosion has
occurred in this area; the northerly portion of the beach
has been destroyed and the southerly portion may be
destroyed in the immediate future unless a publicly
financed program is undertaken. Survey and Manage-
ment : There should not be widespread long-term, adverse
effects to marine natural resources if the applicant
confines his work precisely to the delineated dredge
and fill areas. The applicant is cautioned to restrict
work to the approved borrow area. Failure to do so

February 20, 1973

can be expected to result in severe and possibly irreparable damage to the reef in this area.

Game and Fresh Water Fish Commission - This department has no objection to the project.

Department of Pollution Control - This department has no objection to the proposed project providing there will be no dredging within 50 feet of any reef.

- OTHERS:
1. City Council of City of Delray Beach by Resolution 8-72 requests the Board of Trustees to establish an erosion control line for beach nourishment purposes.
 2. Division of Archives, History and Records Management approves with the following stipulations:
 - (a) The magnetometer survey be run at 100' intervals.
 - (b) The survey area be temporarily marked prior to magnetometer operations.
 - (c) Were an archaeological site located during the survey, no dredging be permitted in the immediate area until the site can be examined and tested by the staff.
 3. A public hearing was held after proper public notice was given. The hearing examiner's report is attached as a exhibit.

Staff recommends that the Board establish the erosion control line as surveyed by the City of Delray Beach and presented for consideration of the Trustees of the Internal Improvement Trust Fund at the public hearing held September 25, 1972, at Delray Beach City Hall, and issuance of permit No. 50-24-261 subject to stipulations of the state agencies.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation was accepted as the action of the Board.

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DADE COUNTY - Assignment of Lease No. 2390
(January 30, 1973)

APPLICANT: H. Earl Smalley
Drawer Z, Little River, Miami, Florida 33138

PROJECT: Mr. Smalley, holder of Campsite Lease No. 2390 which has been renewed through August 26, 1973, requests assignment of the lease to Wm. R. Middelthon, Jr., as Trustee, Post Office Box 1159, Coral Gables, Florida 33134.

LOCATION: Biscayne Bay.

PAYMENT: \$25 processing fee for assignment has been paid.

STAFF
REMARKS: Instrument of assignment and assumption of all obligations of the lease, executed by both parties, has been approved by staff legal counsel.

ECOLOGICAL
RESPONSES: Not applicable.

Staff recommends approval of assignment of Lease No. 2390 to William R. Middelthon, Jr., As Trustee, provided that sanitary facilities are installed by the lessee to prevent discharge of any raw sewage from the site.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved assignment of the lease as requested, subject to the provision recommended by the staff.

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REQUEST FOR EXTENSION OF 120 DAY PROCESSING PERIOD

Processing of the following applications has not been completed. The reason the files are not complete is noted for each.

<u>FILE AND COUNTY</u>	<u>APPLICANT</u>	<u>REASON</u>
44-20-0170 Monroe	James D. Young	This application falls under DPC moratorium in Monroe County. A hydrographic survey is required by DNR.
11-13-0172 Collier	Everglades Development for James J. Jentgen	A hydrographic survey is required by DNR
09-20-0179 Citrus	Edward T. Newell	Comments have not been received from DPC
52-12-0180 Pinellas	Harold R. Carlson	Comments have not been received from DPC
58-12-0181 Sarasota	R. C. Hodson	Comments have not been received from DPC
58-12-0182 Sarasota	Sam Kaplan	Comments have not been received from DPC
03-12-0193 Bay	Parkway Villa Apartments	Comments have not been received from DPC
06-13-0202 Broward	FPA Corporation	Comments have not been received from DPC

Staff recommends a 60-day extension of the processing period for these applications.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees allowed 60-day extension of the processing period for the eight applications listed on the agenda.

On motion by Mr. Stone, seconded by Mr. Christian, the rules were waived for consideration of the following items not on the original printed agenda.

-29-

LEE COUNTY - Authorization to File Suit

Palm Acres Incorporated
Post Office Box 907
Fort Myers, Florida 33902

PROJECT: Dredge and fill subdivision

LOCATION: Caloosahatchee River, Section 34, Township 45 South, Range 23 East, Lee County.

February 20, 1973

SCOPE OF
UNAUTHORIZED
WORK:

Approximately 110,444.67 cubic yards of fill has been removed from approximately 6.542 acres of submerged land and approximately 5.19 acres of submerged land has been filled adjacent to dredged areas.

None of the above work was authorized by the Trustees or the U. S. Army Corps of Engineers. Presently the corporation is building homes on or adjacent to the unauthorized fill area.

Staff requests authorization to file suit for restoration and damages. Also requests authorization to enjoin Palm Acres from further construction. Negotiations for settlement have been exhausted.

ACTION OF THE TRUSTEES:

Comptroller Dickinson, commending the staff for excellent documentation of the report, made a motion to approve the staff request. Mr. Christian seconded the motion.

Mr. Jack Rice from Miami, representing Palm Acres, Inc., said he had not been able to secure a meeting with the Director to discuss the problem before being notified that staff recommendation would be on the agenda requesting authority to enjoin building on two of the fingers and file suit to require restoration of the area. Mr. Rice considered restoration unreasonable, advising the Trustees that both of the fingers had been constructed for a considerable period of time, lots and blocks platted on record with the county, practically all the lots sold and several houses built; and on the other side that has been platted, which is part of Palm Acres, all lots have been sold and practically all built on.

Mr. Rice stated that he had not been involved in the original meeting when the staff had proposed a settlement payment of \$25,000 for the fill that was removed plus construction of a bulkhead along the side to control the channel water. The applicant at that time, requesting consideration under a different aspect, proposed making water studies and had employed an ecologist for that purpose. Mr. Rice objected to the staff request to bring a lawsuit.

Motion was made by Mr. Stone, seconded by Mr. Dickinson and passed without objection, approving the staff recommendation.

-30-

DUVAL COUNTY - Open Water Spoil Area

Placed on the agenda at the request of the State Treasurer.

An open water spoil area located south of the Fuller Warren Bridge in the St. Johns River and delineated by U. S. Corps of Engineers Permit Notice SAJSP 70-2 has been utilized by the Jacksonville Port Authority and private industry for deposition of maintenance spoil for several years. Since 1970, the biological comments obtained from the Department of Natural Resources and the Florida Game and Fresh Water Fish Commission have recommended that alternate upland spoil sites be located to eliminate open water spoiling and accompanying siltation and pollution.

Staff requests authority to notify the Jacksonville Port Authority that the Trustees will not approve additional open water spoiling in this location and that alternate sites should be located since existing permits to utilize the area expire in December of 1973. The staff will offer to assist the Port Authority in this regard.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the staff request was approved as the action of the Trustees.

February 20, 1973

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DUVAL COUNTY - Dredge Permit No. 16-21-0260
(January 17, 1973)

APPLICANT: Jacksonville Shipyards, Inc.
Post Office Box 2347, Jacksonville, Florida 32203

PROJECT: To modify Permit No. 253.123-1159 so as to dredge sovereignty land beyond the existing pierhead and bulkhead line and to install a concrete pile supported dolphin and prestressed pier.

LOCATION: Section 13, Township 2 South, Range 26 East, St. Johns River, Duval County.

MATERIAL: Approximately 22,630 cubic yards to be dredged. 7,000 cubic yards of material will be deposited as back-fill behind the new bulkhead; the remainder will be deposited in the open water spoil area previously authorized under Trustees Permit No. 253.123-642.

PAYMENT: \$7,000 received for material to be placed on privately owned lands.

STAFF
REMARKS: Field Operations Division recommends that the permit be issued only if an upland spoil area is used instead of the open water site.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed dredging and pier construction should not significantly affect biological resources in this industrialized section of the St. Johns River. Spoil will be hauled in barges to a previously used open water spoil site in the river. In open water spoil operations, it is impossible to contain the fine, silty materials. The re-use of this area would probably not have significant adverse effects on the river; however, whenever possible, spoil should be placed within diked upland areas or hauled away.

Game and Fresh Water Fish Commission - This department has no objection except for the open water spoil site.

Department of Pollution Control - This department states that no action will be taken until the problems associated with the spoil area are resolved.

Staff recommends modification of Permit 253.123-1159 with the stipulation that an acceptable alternate spoil site must be approved by the Trustees for any work under this modified permit after December 31, 1973.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved modification of Permit 253.123-1159 with the stipulation recommended by the staff.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

February 20, 1973

Tallahassee, Florida
March 7, 1973

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg	Executive Director
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-1-

On motion adopted without objection, the minutes of the meeting of February 6, 1973, were approved as submitted.

-2-

RULES IMPLEMENTING THE STATE WILDERNESS SYSTEM ACT (Sections 258.17-258.33 Florida Statutes)

These rules are the culmination of eighteen months of work by the Interagency Advisory Committee appointed by the Board pursuant to Section 253.28 F. S. and comply with the requirements of Section 258.30 F. S. governing rules and regulations for the administration of the state wilderness system and wilderness areas created as part of the system. The subject is proposed as a separate chapter of that portion of the Florida Administrative Code which deals with the rules of the Board of Trustees of the Internal Improvement Trust Fund and is to be designated as Chapter 18-6.

The rules are presented in the form indicated in Exhibit A attached hereto, copies of which have previously been distributed to the Board, and when adopted either in their present form or with amendments they will be prepared in accordance with the requirements of the office of the Secretary of State in the administration of the administrative code.

No public hearings have been held in connection with the rules inasmuch as no private rights are affected thereby. Under the Florida Administrative Procedure Act (Chapter 120) a rule may be adopted with or without hearing. If it is adopted without a hearing it must be on file in the office of the Secretary of State for a period of ninety days before taking effect, unless it is an emergency.

Staff recommends adoption of the rules without public hearing and on a non-emergency basis.

ACTION OF THE TRUSTEES:

In recognizing the agencies that participated with the Trustees in developing the rules, Mr. Kuperberg particularly noted that Mr. Larry Hodges of the Bureau of Planning and Grants and Mr. Louis Burney of Coastal Coordinating Council, Department of Natural Resources, were instrumental in drafting the wilderness guidelines.

During the ninety-day period the Trustees' staff would circularize interested parties as to the impact of these rules.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the rules were adopted to implement the state wilderness system act as recommended by the staff.

March 7, 1973

LEON COUNTY - Conveyance for Urban Renewal Program
(November 28, 1972)

APPLICANT: City of Tallahassee

REQUEST: To purchase a small parcel of state-owned land located within an area being acquired by the City of Tallahassee in an Urban Renewal Program.

LOCATION: West six (6) feet of Lot 42 in the South Half of the County Quarter Addition to the City of Tallahassee, being an unimproved parcel 6 feet by 80 feet owned by the State of Florida under Chapter 18296, Acts of 1937 (Murphy Act), under Tax Certificate No. 366 dated September 6, 1926.

This land is outside and west of the Capitol Center Planning District.

The City of Tallahassee's offer of \$1,212.50 for this parcel of land has been reviewed and approved as fair market value by staff appraiser.

Recommend conveyance to the City of Tallahassee for the sum of \$1,212.50.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved conveyance of the parcel of land to the City of Tallahassee as recommended.

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PALM BEACH COUNTY - Water Main Easement
(February 15, 1972)

APPLICANT: City of Boca Raton

REQUEST: Easement for relocation of a water main and sewer lines to serve Florida Atlantic University.

LOCATION: A strip of land 20 feet wide by 275 feet in SE¼ of SE¼ of Section 13, Township 47 South, Range 42 East, Palm Beach County.

The Board of Regents has reviewed and approved issuance of the easement.

Recommend issuance of the easement to the City of Boca Raton for water and sanitary sewer facilities use only.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees granted the easement for water and sanitary sewer facilities only.

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PALM BEACH COUNTY - State Road Right of Way Easement
(November 16, 1972)

APPLICANT: Department of Transportation

REQUEST: Easement for additional right of way to improve State Road No. 15 to a four-lane divided highway.

LOCATION: 2.81 acres in W½ of Section 29, W½ of Section 20 and E½ of Section 19, Township 43 South, Range 37 East, Palm Beach County, being a part of Glades Correctional Institution land.

March 7, 1973

The Department of Health and Rehabilitative Services has reviewed and approved issuance of the easement requested subject to certain stipulations with respect to relocation of fences, structures, trees and plants and installation of a blinking caution light with separate turning lanes at the entrance to the institution. The Department of Transportation has agreed to these certain stipulations.

Recommend issuance of the easement for public road purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees granted the easement for public road purposes only.

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BREVARD COUNTY - Dredge Permit No. 05-31-0492
(February 23, 1973) (Revised)

APPLICANT: Rodney Thompson
Post Office Box 1476, Titusville, Florida 32780

PROJECT: To complete boatyard construction started under expired permit No. 253.123-460. The applicant wishes to change the configuration of the boat basin by dredging three boat slips. All spoil will be deposited on uplands. A riprap breakwater will be constructed.

LOCATION: Sections 33 and 34, Township 21 South, Range 35 East, Indian River, Brevard County.

MATERIAL: 75,000 cubic yards authorized to be removed under the expired permit. Most of the dredging has been completed.

PAYMENT: Not applicable; state-owned submerged land not involved.

STAFF REMARKS: Field Operations has no objection to the revised application.

ECOLOGICAL RESPONSES: Department of Natural Resources - This department has no objection to the proposed project.

Game and Fresh Water Fish Commission - This department has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Permit No. 05-31-0492 provided the proposed breakwater will be of riprap construction.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the permit subject to the provision for use of riprap.

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COLLIER COUNTY - Construction and Dredge Permit No. 11-24-0278
(November 27, 1972)

APPLICANT: Wiggins Pass Marina,
c/o David Nichols
Route 2, Box 1612, Naples, Florida 33940

PROJECT: To construct a boat hoist slip and excavate approximately 25 cubic yards of material to provide access to the slip.

March 7, 1973

LOCATION: Section 17, Township 48 South, Range 25 East, Wiggins Pass, Collier County.

MATERIAL: 25 cubic yards of material to be placed behind the existing bulkhead.

PAYMENT: Not applicable. State-owned submerged land not involved.

STAFF REMARKS: Field Operations Division recommends approval of the proposed project.

ECOLOGICAL RESPONSES: Department of Natural Resources - The proposed project should not have significant adverse effects on marine life.

Game and Fresh Water Fish Commission - This department has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Construction and Dredge Permit No. 11-24-0278.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the permit was approved.

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GULF COUNTY - Dredge and Construction Permit 23-39-0352
(January 2, 1973)

APPLICANT: Dead Lakes Water Management District
Wewahitchka, Florida

PROJECT: To construct a water level control structure at Dead Lakes Dam with 7,000 cubic yards of material to be removed.

LOCATION: Section 19, Township 4 South, Range 9 West,
Dead Lakes Dam, Gulf County.

MATERIAL: Approximately 7,000 cubic yards of material to be dredged and deposited on upland.

PAYMENT: Request waiver of fees and payment for spoil. The spoil material will be used by the District or the Board of County Commissioners.

STAFF REMARKS: Field Operations Division has no objection to the project. This project is jointly sponsored by the Department of Natural Resources and the Florida Game and Fresh Water Fish Commission.

ECOLOGICAL RESPONSES: Department of Natural Resources - Deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - This department has no objection to the proposed project.

Department of Pollution Control - This agency has no adverse comments on the proposed project.

OTHERS: Department of Transportation has no adverse comments concerning the project. It is requested that Mr. E. W. Lee, District Engineer, Chipley, Florida, be advised by the sponsoring agency prior to commencement of construction.

Staff recommends issuance of Permit No. 23-39-0352 without fee or charge for material.

March 7, 1973

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the permit without fee or charge for the material.

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HILLSBOROUGH COUNTY - Construction, Dredge and Fill Permit
No. 20-31-0154
(September 1, 1972)

APPLICANT: Tampa-Hillsborough County Expressway Authority
Post Office Box 23646, Tampa, Florida 33622

PROJECT: To construct bridges and dredge approximately 624 cubic yards of material from the Hillsborough River to place 8 piers in the river between Platt Street and Brorein Street Bridges.

LOCATION: Section 24, Township 29 South, Range 18 East, Hillsborough River, Hillsborough County.

MATERIAL: Approximately 624 cubic yards of material will be used in construction of the expressway.

PAYMENT: Not applicable. State-owned lands not involved.

STAFF

REMARKS: Field Operations has no objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The installation of pilings for the proposed bridge should have only limited and temporary adverse effects on marine life.

Game and Fresh Water Fish Commission - This department has no objection to the project.

Department of Pollution Control - This department has no objection to the project.

OTHERS: The Tampa Port Authority approved the permit on August 14, 1972.

Staff recommends issuance of Construction, Dredge and Fill Permit No. 29-31-0154.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the permit was approved.

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LIBERTY COUNTY - Dredge Permit No. 253.123-1198
(June 26, 1972)

APPLICANT: International Paper Company
c/o Benton Associates, Inc.
512 East 15th Street, Panama City, Florida 32401

PROJECT: To dredge a channel connecting Bills Arm to Florida River.

LOCATION: Sections 3 and 10, Township 4 South, Range 9 West, Liberty County.

MATERIAL: Spoil sites will be on the upland adjacent to each side of the proposed cut.

PAYMENT: Not applicable; state-owned submerged land not involved.

March 7, 1973

STAFF

REMARKS: Field Operations Division recommends issuance of the dredge permit only if proper turbidity controls are maintained and the spoil area is adequately diked on uplands above the flood plain of the river.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The dredging and filling of river swamp would directly eliminate productive fish and wildlife habitat.

Game and Fresh Water Fish Commission - If the applicant agrees to fill the proposed channel immediately after logging operations are completed, only limited biological disruption will occur.

Department of Pollution Control - This department has no objection to the proposed project.

NOTE: The applicant is willing to agree to refill the channel within two years after completion of the cut. If the channel cannot be dredged, roads must be constructed through the river swamp to allow removal of timber.

Staff recommends issuance of Permit No. 253.123-1198 provided turbidity controls are utilized during construction and the channel is filled in within two years after completion of the cut.

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained that of the two possible access routes, a road would be much more destructive than dredging to float out the logs.

Governor Askew expressed the opinion that the applicant had the right to cut the timber and noted the agencies recommended channel work in preference to road construction, and the cut would be filled up after the work was completed.

Motion was made by Mr. Chrisitan, seconded by Mr. Stone and passed without objection, to approve issuance of the dredge permit subject to the provisions recommended by the staff.

-11-

ST. JOHNS COUNTY - Dredge Permit No. 55-21-0095
(November 7, 1972) (Revised)

APPLICANT: Dr. J. Brooks Brown
c/o Harbor Engineering Company
1615 Huffingham Lane
Jacksonville, Florida 32216

PROJECT: To dredge an existing canal to a depth of -5 feet.

LOCATION: Section 37, Township 9 South, Range 31 East, and
Section 49, Township 9 South, Range 30 East,
Matanzas River, St. Johns County.

MATERIAL: Approximately 500 cubic yards of material to be
dredged from state lands, 4,445 cubic yards from
private lands to be placed entirely on uplands in
an existing canal and on an existing spoil area
adjacent to the proposed dredging.

PAYMENT: \$250 received as payment for material at standard
rates.

STAFF

REMARKS: Field Operations Division has no objections, but
recommends that the spoil area be diked to prevent
runoff into the adjacent marsh.

March 7, 1973

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The proposed project should have limited adverse effects on marine resources.

Game and Fresh Water Fish Commission - This department has no objections to the proposed project.

Department of Pollution Control - This department has no objections.

Staff recommends issuance of Permit No. 55-21-0095 provided the spoil area is adequately diked to prevent siltation of adjacent marsh.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved the dredge permit subject to the diking recommended by the staff.

-12-

At the request of the applicant, the Board deferred a hearing initially requested by Mr. Adrian Bacon, representing Hernando Beach, Incorporated, who had proposed to discuss settlement of a Pasco County project involving submerged lands that in the opinion of the staff had been previously filled without authority.

-13-

LEVY COUNTY - Artificial Reef Permit 38-32-365
(January 5, 1973)

APPLICANT: Gainesville Offshore Fishing Club
c/o David S. Anthony
1503 Northwest 12th Road, Gainesville, Florida 32601

PROJECT: To construct an artificial fishing reef in the Gulf of Mexico.

LOCATION: Latitude 29 degrees 04 minutes 04 seconds North,
Longitude 83 degrees 10 minutes 00 seconds West,
5½ miles west-southwest of Seashore Key, Levy County.

MATERIAL: 300 to 400 stacks of 3 automobile tires weighted with concrete.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations recommends issuance of the Reef Construction Permit.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The proposed artificial reef should provide useful habitat for marine life and could enhance marine productivity in the area.

Game and Fresh Water Fish Commission does not object to issuance of this permit.

Department of Pollution Control does not object to the subject project.

Staff recommends issuance of Permit No. 38-32-365.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Board approved issuance of the artificial reef permit.

March 7, 1973

-14-

VOLUSIA, MARION, PUTNAM, LAKE COUNTIES - Artificial Reef
 Permit No. 64,42,
 35, 54-32-0329.
 (December 18, 1972)

APPLICANT: Florida Game and Fresh Water Fish Commission
 Central Region Office
 1239 Southwest 10th Street, Ocala, Florida 32670

PROJECT: To construct and install in public lakes artificial
 fishing reefs of tires, brush piles or concrete
 blocks.

LOCATION: Section 28, Township 15 South, Range 30 East,
 Lake Dias, Volusia County; Section 34, Township
 16 South, Range 23 East, Smith Lake, Marion County;
 Section 24, Township 22 South, Range 25 East,
 Lake Minneola, Lake County; Section 24, Township
 8 South, Range 24 East, Georges Lake, Putnam County;
 Section 30, Township 15 South, Range 27 East,
 Wildcat Lake, Lake County.

STAFF
 REMARKS: Field Operations has no objection.

ECOLOGICAL
 RESPONSES: Department of Natural Resources - Deferred to
 Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - This
 department has no objection.

Department of Pollution Control - This department
 has no objection to the proposed project.

Staff recommends issuance of Permit No. 64, 42, 35, 54-32-0329.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed
 without objection, the Trustees approved issuance of artifi-
 cial reef permit for the fishing reefs as described.

-15-

MANATEE COUNTY - Construction Permit No. 41-38-0349
 (December 29, 1972)

APPLICANT: Manatee County Park Department
 421 - 17th Avenue West
 Bradenton, Florida 03505

PROJECT: To construct a boat ramp 15 feet x 48 feet.

LOCATION: Section 17, Township 34 South, Range 18 East,
 Noble Park Canal, Manatee County.

MATERIAL: Required 100 cubic yards backfill will be hauled in.

STAFF
 REMARKS: Field Operations Division recommends approval of
 this project.

ECOLOGICAL
 RESPONSES: Department of Natural Resources - Although the proposed
 boat ramp project requires some very minor dredging,
 the project is located on an artificial waterway and
 should not have significant adverse effects on marine
 biological resources.

Game and Fresh Water Fish Commission - This department
 has no objection to the proposed project.

March 7, 1973

Department of Pollution Control - This department has no objection to the project.

Staff recommends issuance of CP No. 41-38-0349 and waiver of fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved waiver of fees and issuance of the construction permit.

-16-

PALM BEACH COUNTY - Marina License and Construction Permit
No. 50-30-0344
(December 29, 1972)

APPLICANT: William Gundlach
c/o McLaughlin Engineering Company
400 Northeast Third Avenue
Fort Lauderdale, Florida 33301

PROJECT: To construct a 5' marginal wood dock to be used as a marina in conjunction with an existing 10' wood dock covering approximately 10,182 square feet.

LOCATION: Section 16, Township 47 South, Range 43 East,
Lake Wyman, Palm Beach County.

MATERIAL: Not applicable.

PAYMENT: \$202.70 received.

STAFF

REMARKS: Field Operations Division has no objection to this proposed project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Construction of the proposed dock should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - This agency offers no objection to this proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

OTHERS: Florida Inland Navigation District - The proposed work is entirely outside of the right-of-way of the Intracoastal Waterway and Florida Inland Navigation District has no objection to issuance of the appropriate permits by the state and federal governments.

Staff recommends issuance of Marina License and Construction Permit No. 50-30-0344.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the marina license and construction permit.

-17-

ESCAMBIA COUNTY - Marina License Renewal Permit ML-58
(January 24, 1973)

APPLICANT: Gulf Power Company
Post Office Box 1151, Pensacola, Florida 32502

PROJECT: To renew ML-58 for one year.

March 7, 1973

LOCATION: Section 25, Township 1 North, Range 30 West,
Governor's Bayou, Escambia County.

MATERIAL: Not applicable.

PAYMENT: \$250 annual fee received.

STAFF

REMARKS: Field Operations Division found the marina
constructed according to specifications and
recommends renewal of ML-58.

ECOLOGICAL

RESPONSES: Not applicable.

Staff recommends renewal of ML-58 for one year at fee indicated.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed
without objection, the Trustees approved one-year renewal of
the marina license.

-18-

PALM BEACH COUNTY - Transfer of Marina License No. ML-4
(March 1, 1973)

APPLICANT: Louis R. Perini, Jr.
c/o Robert F. Cromwell
Post Office Box 9996
Riviera Beach, Florida 33404

PROJECT: To transfer title of ML-4 from William F. Bachstet to
Louis R. Perini, Jr.

LOCATION: Section 27, Township 42 South, Range 43 East,
Palm Beach Shores, Palm Beach County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

ECOLOGICAL RESPONSES: Not applicable.

Staff recommends transfer of ML-4 from William Bashstet to
Louis R. Perini, Jr.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed
without objection, the Trustees approved transfer of ML-4 as
requested.

-19-

DADE COUNTY - Sand Lease No. 2439
(February 6, 1973)

APPLICANT: Des Rocher Sand Company
c/o James L. Titzel
728 Eastwind Drive
North Palm Beach, Florida 33403

PROJECT: Three-year renewal of Commercial Sand Lease No. 2439
covering two areas 3,500 feet southeasterly of Cape
Florida in the Atlantic Ocean. The lease expires
March 16, 1973.

LOCATION: Easterly and Southeasterly of the Old Lighthouse Tower
on Cape Florida.

Staff recommends 60-day extension so that comments from the various
agencies can be obtained and also an appraisal for the purpose
of estimating an equitable royalty rate.

March 7, 1973

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that the staff was handling the request for extension of the sand lease as a dredge application and was requesting the extension because it had not yet received comments from all the agencies.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved 60-day extension of the existing lease pending receipt of agency comments and an appraisal for the purpose of estimating an equitable royalty rate.

-20-

REQUEST FOR EXTENSION OF 120-DAY PROCESSING PERIOD

Processing of the following applications has not been completed for the reason noted in each case:

<u>FILE AND COUNTY</u>	<u>APPLICANT</u>	<u>REASON</u>
44-31-0212 Monroe	Key Haven Associated Enterprises	This project is under the DPC moratorium in Monroe County. The DNR has requested a hydrographic survey for the project.
65-20-0217 Wakulla	Mobile Home Industries Incorporated	Hydrographic survey required by DNR and comments not received from DPC.
46-13-0221 Okaloosa	Col. D. V. Thompson	Comments not yet received from DPC.

Staff recommends 60-day extension of the processing period for these applications.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the 60-day extension was approved.

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PRINTING VOLUME 38 MINUTES OF THE TRUSTEES

Request authority to invite bids for printing and binding 150 copies of Volume 38 of the minutes of the Trustees, the reproduction to be by photo-lithographic process, uniform with the preceding volume. Printing shall be in accordance with provisions of Regulation No. 13A-3.02, Class B Printing Laws and Regulations. Funds are available within the approved operating budget.


ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees authorized bids to be taken for printing and binding the next volume of the minutes.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

March 7, 1973

Tallahassee, Florida
March 20, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

-1-

Without objection, the minutes of the meeting on February 20, 1973, were approved as submitted.

-2-

BREVARD COUNTY - Dredge and Fill Permit Nos. 253.123-543
and 253.124-124
(March 5, 1973)

APPLICANT: Oakland Consolidated Corp.
c/o J. Lewis Hall, Jr.
Post Office Drawer 840, Tallahassee, Florida

PROJECT: To extend the permit issued by the Board of Trustees on March 17, 1970.

LOCATION: Government Lot 6, Section 31, Township 24 South, Range 37 East, Newfound Harbor, Brevard County.

MATERIAL: All dredging except navigation access channel to be done on applicant-owned submerged land.

STAFF

REMARKS: Field Operations - recommends new surveys be requested from the owner showing precise topographic information and the work that has been done to date; that vertical seawalls be transformed into riprap retaining revetments; that dead-end canals not be permitted and all construction be confined to the upland area as closely as possible.

ECOLOGICAL

RESPONSES: Department of Natural Resources - To best conserve marine biological resources, the proposed development should be limited to that area within the existing dikes and the shoreline mangroves. The shallow bottoms should be conserved.

To conserve bottom habitat, the proposed channel should be limited to less than 1,000 feet. This length would enable access to water 4 feet deep which should be sufficient since no central navigation channels exist in Newfound Harbor and water deeper than 4 feet is limited.

Water quality problems might reasonably be anticipated in at least the two longer canals in this revised project.

Game and Fresh Water Fish Commission - The applicant has reduced the scope of his project. However, there will still be extensive significant damage to the estuarine ecosystem. Our comments of April 19, 1971, pertaining to SAJSP 68-105, which your agency trans-

March 20, 1973

mitted to the Corps of Engineers, recommended that no filling be allowed below the mean high water line and that dredging be restricted to a minimum-sized navigation channel. The applicant has not responded to these recommendations and due to the biological damages involved in this amended permit application, we maintain our original objections to the issuance of the permit.

Department of Pollution Control - As this project is a revision to a project previously approved by the Trustees and the Corps of Engineers, we normally do not comment. However, in response to your request the following comments are submitted:

1. If the project was a new one we would recommend that the applicant confine his development (fill) to above the mean high water line.
2. All dredging be held to a minus 5 feet mean low water and confined to those areas not critical.
3. Precautions be taken to control turbidity.

NOTE: The Board of Trustees in meeting on March 17, 1970, authorized issuance of Permits 253.123-543 and 253.124-124 in accordance with settlement of pending litigation recommended by Trustees' General Counsel and the Assistant Attorney General.

The above environmental comments were obtained for a 1972 proposed modification of the existing permits.

The applicant is still in negotiation to obtain a corps of Engineers permit and requests 6-month extension of the state permits.

Staff recommends extension of existing Permit 253.123-543 and 253.124-124 for 6 months, during which time the applicant is to complete negotiations to satisfy federal requirements and resubmit permit modifications for Trustees' approval.

ACTION OF THE TRUSTEES:

Attorney General Shevin stated that during the six months' extension, no work would be done pending redesign of the project. The Director asked that the staff recommendation be amended to include that provision, which was the intent of the staff.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, Trustees approved the staff recommendation as amended to allow no work done during the extension time pending redesign of the project.

-3-

ESCAMBIA COUNTY - Dredge Permit 17-21-0140
(September 1, 1972)

APPLICANT: Spanish Village Cove, Inc.
c/o G. Thomas Smith
Post Office Box 12091
Pensacola, Florida 32502

PROJECT: To perform maintenance dredging to remove organic sediment material within the upland canal system recently excavated (permit issued July 26, 1971)

LOCATION: Santa Rosa Sound, Township 3 South, Range 30 West, Escambia County.

MATERIAL: Approximately 3,200 cubic yards of sediment is to be removed and placed behind earthen dikes.

March 20, 1973

PAYMENT: Not applicable. State-owned sovereignty land not involved.

STAFF REMARKS: Field Operations Division has no objection to the project.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - Although the productive offshore bottoms in Santa Rosa Sound have not been significantly damaged by the existing work, the continual need to maintenance-dredge the channel through seagrass beds and the continual degradation of water quality in the dead-end canal system will slowly but eventually severely damage the offshore marine habitat and have deleterious effects on marine biological resources in Santa Rosa Sound and the aquatic preserve.

Game and Fresh Water Fish Commission - This agency concurs with the recommendation of the Department of Pollution Control, but future problems can be expected from this system. To best protect the natural resources of the area, similar canal systems should not be permitted connection with Santa Rosa Sound.

Department of Pollution Control - This application is the result of recent enforcement action by this department. The applicant has been directed to remove the organic sediment from the canal.

Staff recommends issuance of Permit 17-21-0140.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the permit.

-4-

FRANKLIN COUNTY - Dredge Permit 253.123-1000

Consideration of the application of Harry Morrison to dredge an access channel in Alligator Harbor in Section 6, Township 7 South, Range 1 West, Franklin County, was deferred at the request of William J. Roberts, applicant's agent, to afford Mr. Morrison an opportunity to modify the proposal in accordance with suggestions obtained at the conference with representatives of the environmental agencies.

-5-

FRANKLIN COUNTY - Dredge Permit 253.123-1163

Consideration of the application of Harry Morrison to dredge a channel along the south side of Mud Cove Creek in Sections 5 and 6, Township 7 South, Range 1 West, Franklin County, was deferred at the request of his attorney, William J. Roberts, to allow the applicant opportunity to modify the proposal in accordance with suggestions obtained at a conference with representatives of the environmental agencies.

TRUSTEES' POLICY

The executive Director stated that at the Senate Natural Resources Committee meeting this morning, one of the points raised was that often when an application is filed with the Trustees it is deferred and there is no action. It was recommended that there should be action within a given period of time. Mr. Kuperberg advised the Board that it had been policy to comply with the request of an applicant when he wished action deferred, but now that was being construed as unnecessary delay.

March 20, 1973

Mr. Kuperberg recommended that in the future a staff recommendation for denial be allowed to stand, as a denial would be without prejudice.

Mr. O'Malley indicated that there would be no objection so long as such a denial would be without prejudice in terms of times of refileing. He pointed out that a number of the requests for deferral are for the convenience of the applicants. The Governor added that it had saved the applicants another filing fee, and at times the Board had taken action when the applicant unduly tried to defer action.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees adopted the policy that a staff denial recommendation would stand, the denial being without prejudice.

-6-

HERNANDO COUNTY - Dredge and Fill Permit 27-31-0208
(March 2, 1973)

APPLICANT: A. L. Shirley
Route 6, Box 866A, Brooksville, Florida 33512

PROJECT: To construct a boat slip and seawall. The seawall will be of riprap construction.

LOCATION: Section 32, Township 22 South, Range 17 East, Weekiwachee River and Mullet Creek, Hernando County.

MATERIAL: Approximately 3 cubic yards of material to be removed.

PAYMENT: \$1.50 received as payment for material at standard rates.

STAFF
REMARKS: Field Operations Division has no objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - This department has no objection to the project.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Permit 27-31-0208.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O' Malley and passed without objection, the Trustees authorized issuance of the permit.

-7-

LEE COUNTY - Dredge Permit 253.123-1018

At the request of the Executive Director, the application of Charles C. Bundschu, Jr., to modify a permit approved by the Trustees on November 29, 1972, in Section 30, Township 43 South, Range 22 East, Pine Island, Lee County, was withdrawn from the agenda because the Trustees' field office was reviewing some problems.

-8-

MARTIN COUNTY - Dredge and Construction Permit 43-25-0508 (ML-61)
(July 6, 1971)

March 20, 1973

APPLICANT: Woodland Shores Apartments
c/o Greenlees, Montgomery and Associates, Inc.
Post Office Box 92, Stuart, Florida 33494

PROJECT: To excavate an existing boat basin to -5 feet mean low water, remove deteriorated docks and construct new docks.

LOCATION: Section 27, Township 37 South, Range 41 East, Warner Creek, Martin County.

MATERIAL: 1,000 cubic yards of material to be removed and deposited on upland

PAYMENT: Not applicable. State-owned submerged land not involved.

STAFF
REMARKS: Field Operations Division has no objection to the project provided all spoil is placed behind adequately diked upland spoil areas.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The north marina site was constructed years ago and is now filled with silt; the bottom has no attached vegetation. The dredging of the basin should have no significant adverse effects on marine biological resources provided that spread of silt is confined.

Game and Fresh Water Fish Commission - We have no objection to the proposed dock and dredging operation if all spoil material is placed above the line of mean high water.

Department of Pollution Control - The department has no objection to the proposed project.

OTHERS: Martin County Board of County Commissioners has no objection.

NOTE: This application originally included 2 marina sites. A larger site received biological objections and has been deleted.

Staff recommends issuance of dredge and construction Permit 43-25-0508 subject to the use of turbidity control devices during construction.

ACTION OF THE TRUSTEES:

The applicant had requested that the dredging portion be deleted from the application. Mr. Kuperberg said the work will consist only of removal of deteriorated docks and construction of new docks.

On motion by Mr. Stone, seconded by Mr. O'Malley, passed without objection, the Trustees approved issuance of a construction permit for work involving no dredging.

-9-

OKALOOSA COUNTY - Construction Permit ML-98
(January 29, 1973)

APPLICANT: Marlborough, Inc.
Post Office Box 1427, LaGrange, Georgia 30240

PROJECT: To construct a 20' x 40' bait shop at an existing marina.

LOCATION: Township 2 South, Range 23 West, East Pass Lagoon, Okaloosa County.

MATERIAL: Not applicable.

PAYMENT: \$100 for construction permit.

March 20, 1973

STAFF

REMARKS: Field Operations Division has no objection to the project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Construction of the proposed docks and other facilities should not have detrimental effects on marine biological resources.

Game and Fresh Water Fish Commission - Deferred to the Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Construction Permit ML-98.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Conner, passed without objection, the Trustees approved issuance of the construction permit.

-10-

PINELLAS COUNTY - Fill Permit 52-12-0180
(September 28, 1972)

APPLICANT: Harold R. Carlson, et ux
4161 - 40 Street South, St. Petersburg, Florida 33711

PROJECT: To replace an existing wooden plank seawall with a concrete seawall.

LOCATION: Section 25, Township 31 South, Range 15 East,
Boca Ciega Bay, Pinellas County.

MATERIAL: Approximately 120 cubic yards of material will be trucked in to backfill the proposed seawall.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division recommends approval of the seawall permit.

ECOLOGICAL

RESPONSES: Department of Natural Resources - If the productive, shallow bay bottoms adjacent to the proposed seawall are carefully conserved, the proposed fill and seawall construction should have only limited adverse effects on marine life.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

OTHERS: Pinellas County Water and Navigation Control Authority approved Fill Permit No. FO-283 on September 13, 1972.

Staff recommends issuance of Permit 52-12-0180 provided care is taken during construction to avoid damage to adjacent productive habitat.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Conner, passed without objection, the Trustees approved issuance of a permit subject to the provision recommended by the staff.

March 20, 1973

-11-

DUVAL COUNTY - Telephone Line Easement
(February 2, 1973)

APPLICANT: Southern Bell Telephone and Telegraph Company
400 West Ashley Street, Jacksonville, Florida

REQUEST: Easement across Division of Health property for relocation of telephone cables presently within existing bridge crossing Hogan's Creek that will be rebuilt. The telephone cable will be buried underground across the northwest corner of the state land.

LOCATION: A portion of the northwest corner of Lot 113 of Block 120 of the Official Map of the City of Jacksonville, recorded in Plat Book 9, Page 28, Duval County public records, containing approximately 0.2 acre.

The Department of Health and Rehabilitative Services has reviewed and approved this request.

Recommend issuance of the easement for underground telephone cable purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Conner, passed without objection, the Trustees approved issuance of an easement for underground telephone cable purposes only.

-12-

ORANGE COUNTY - Electric Transmission Line Easement
(March 9, 1973)

APPLICANT: Florida Power Corporation
St. Petersburg, Florida

REQUEST: An 8-ft. wide easement for overhead electric distribution line to serve a relocated equipment shop at the Orlando district headquarters of the Division of Forestry.

LOCATION: South 8 feet of that part of Lot 70 lying east of U. S. Highway Nos. 17 and 92, south 8 feet of Lot 71 and south 8 feet of west 134.15 feet of Lot 72, all in Block D, Prosper Colony, a subdivision in Section 34, Township 23 South, Range 29 East, per Plat Book D, Page 108, Orange County.

The Division of Forestry, Department of Agriculture and Consumer Services has reviewed and approved issuance of easement.

Recommend issuance of easement requested for electrical distribution and transmission line purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Conner, passed without objection, the Trustees approved issuance of an easement for electrical distribution and transmission line purposes only.

-13-

PALM BEACH COUNTY - Seismic Survey Permit
(February 22, 1973)

APPLICANT: Shell Oil Company
Post Office Box 1411, Arcadia, Florida 33821

REQUEST: Permission to conduct a seismic survey across state-owned land.

March 20, 1973

LOCATION: A line running east and west across Sections 10, 11, 14, 15, 16 and 17, Township 46 South, Range 35 East, Palm Beach County.

Sections 15 and 16 are subject to a grazing lease held by Pelican Bay Co-op which consents to the proposed survey.

Central and Southern Florida Flood Control District has no objection to the survey and has issued a temporary permit to Shell Oil Company for crossing Levee L-24.

The Game and Fresh Water Fish Commission has no objection to the survey.

The Department of Natural Resources, Division of Interior Resources, has reviewed and approved the request conditioned upon Shell plugging each shot hole with precast concrete plugs.

Recommend granting Shell Oil Company permission to conduct its survey across the six sections of state land subject to the conditions set forth above.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Conner, passed without objection, the Trustees granted permission for the seismic survey subject to the conditions as recommended.

-14-

ESCAMBIA COUNTY - Oil Lease Bid

On January 3, 1973, Murphy Oil Corporation submitted the only sealed bid for a five-year oil and gas lease covering the state land under and surrounding Stone Lake in Section 12, Township 5 North, Range 31 West and Section 7, Township 5 North, Range 30 West, Escambia County, containing 244 surface acres and 234 net mineral acres. The amount of the bid was \$20,388.42 (bonus of \$86.13 per net mineral acre).

Award of the lease was not made due to the request of the Game and Fresh Water Fish Commission to review all bids received prior to award. In addition, a public hearing was held as required by Section 253.52, Florida Statutes.

No one appeared at the public hearing in opposition to the lease. The Game and Fresh Water Fish Commission reviewed the bid at its meeting on February 7, 1973, and voted not to accept the bid by Murphy Oil Company due to the feeling of the Commission that the proximity of the property to the Jay Oil Field warranted a higher bonus than that bid.

In view of the action by the Game and Fresh Water Fish Commission, it is recommended that the bid submitted by Murphy Oil Corporation be rejected.

ACTION OF THE TRUSTEES:

Based on the action by the Game and Fresh Water Fish Commission and staff recommendation, the Trustees rejected the bid submitted by Murphy Oil Corporation on motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection.

-15-

HOLMES COUNTY - Advertise for Oil and Gas Lease
(July 28, 1972)

APPLICANT: Sonat Exploration Company
Post Office Box 1513, Houston, Texas 77001

REQUEST: Advertise an oil and gas drilling lease for bids

March 20, 1973

LOCATION: Ponce de Leon State Park consisting of approximately 370 surface acres and 276.56 net mineral acres, lying in Sections 27 and 34, Township 4 North, Range 17 West, Holmes County.

INTEREST

OF STATE: The Trustees hold title to this tract of land which is leased to the Department of Natural Resources for park purposes. All proceeds from the proposed lease will go to that department.

The Department of Natural Resources has reviewed this request and authorized the Trustees to offer the tract of land for oil and gas lease provided that drilling would be prohibited on the state land under lease.

This request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term oil and gas drilling lease with annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond, at least one test well every 2½ years, drilled to a depth of 6,000 ft. or to a depth sufficient to test Jurassic sediments, whichever is deeper, accomplished by pooling as drilling on the leased property will be prohibited.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Trustees authorized the advertisement for oil and gas drilling lease with the conditions as recommended by the staff.

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GADSDEN COUNTY - Confirm a Public Sale of Murphy Act Land
(February 28, 1973)

LAND DESCRIPTION: One lot 52½ feet by 150 feet recorded in Book R, pages 335 and 336, Section 12, Township 2 North, Range 4 West, Gadsden County, Florida.

LOCATION: This lot fronts the south side of Washington Street between Ward and Key Streets, five blocks west of the central retail district, within the incorporated City of Quincy, Florida.

APPRAISAL: By staff appraiser, \$3,000

AUTHORITY FOR SALE: Section 197.350, Florida Statutes

DATE OF SALE: January 15, 1973, by Clerk of the Circuit Court of Gadsden County, Florida.

HIGH BIDDER: J. Donald Munroe

HIGH BID: \$3,000

Recommend confirmation of sale of this lot to J. Donald Munroe for \$3,000 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Trustees confirmed the public sale of Murphy Act land to J. Donald Munroe for \$3,000 plus costs of advertising and fees of the Clerk of the Circuit Court of Gadsden County under the provisions of Section 197.350, Florida Statutes.

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SEMINOLE COUNTY - Confirm a Public Sale of Murphy Act Land
(February 22, 1973)

LAND

DESCRIPTION: Lot 443, Longwood, Plat Book 1, Page 19,
Public Records of Seminole County, Florida

LOCATION: This lot is in an old section of the City of
Longwood with homes in the \$4,000 to \$10,000 range.
This lot is zoned M-1, light industry.

APPRAISAL: By staff appraiser, \$250.

AUTHORITY FOR SALE: Section 197.350, Florida Statutes.

DATE OF SALE: February 21, 1973, by Clerk of the Circuit Court
of Seminole County, Florida.

HIGH BIDDER: James R. Carter

HIGH BID: \$250.

Recommend confirmation of sale of this lot to James R. Carter
for \$250 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed
without objection, the Trustees confirmed the public sale of
Murphy Act land to James R. Carter for \$250 plus costs of
advertising and fees of the Clerk of the Circuit Court of
Seminole County under the provisions of Section 197.350, Florida
Statutes.

-18-

COLLIER COUNTY - Fill Permit No. 11-20-0216
(December 6, 1972)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304

PROJECT: To fill submerged land for construction of a road,
paving and maintenance facilities for Wiggins Pass
State Road.

LOCATION: Section 20, Township 48 South, Range 25 East, Wiggins
Pass, Collier County.

MATERIAL: Approximately 28,672 cubic yards of fill to be trucked
in from an upland source for road and parking lot
construction, a portion of this to be placed below the
mean high water line.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection to the
revised application.

ECOLOGICAL

RESPONSES: Department of Natural Resources - This department has
no objection to revised application.

Game and Fresh Water Fish Commission - In order to
conserve these valuable submerged lands from destruc-
tion by filling, we recommend that all filling be
limited to the uplands along the lower last slope of
the dune area consisting of the coastal strand
vegetation.

Department of Pollution Control - This department has
no objection to revised application.

NOTE: The revised application was approved by the Department
of Natural Resources, Department of Pollution Control,

March 20, 1973

and the Trustees staff subject to minor modifications for aesthetic and conservation reasons to be determined by an on-site interagency inspection.

Staff recommends issuance of Permit No. 11-20-0216 as revised.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Trustees approved issuance of the fill permit for the revised application.

-19-

BAY COUNTY - Dredge Permit No. 03-21-0343
(January 4, 1973)

APPLICANT: Panama City Port Authority
c/o Mr. E. Harris Mercer, Port Director
Post Office Box 388, Panama City, Florida 32401

PROJECT: To construct a seawall and dredge material from an area 850 feet long offshore of the Port and north of an existing scrap metal operation.

LOCATION: Section 34, Township 35 South, Range 14 West, St. Andrew Bay, Bay County.

MATERIAL: Approximately 11,100 cubic yards of material.

PAYMENT: N/A - State-owned submerged land not involved.

STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - Dredging this area should not have significant adverse effects on marine biological resources provided adequate dikes are constructed around the upland spoil sites and restraining devices are used to control siltation caused by dredging. Careful removal of scrap metal and other debris from offshore bottoms in the vicinity of the salvage operation will not materially affect marine biological resources.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed projects.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Dredge Permit No. 03-21-0343 subject to the recommendations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Board approved issuance of the dredge permit subject to the recommendations of the Department of Natural Resources.

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BAY COUNTY - Dredge Permit No. 03-21-0204
(October 13, 1972)

APPLICANT: Dr. Stephen M. Smith
c/o Benton Associates, Inc.
512 East 15th Street, Panama City, Florida 32401

PROJECT: After-the-fact permit to dredge a channel. Approximately 36 cubic yards to be dredged.

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LOCATION: Section 15, Township 4 South, Range 14 West, Watson Bayou, Bay County.

MATERIAL: Approximately 36 cubic yards of material to be placed on upland property.

PAYMENT: \$108 received as payment for material at 3 times the standard rate.

STAFF

REMARKS: Field Operations Division recommends that an after-the-fact or settlement permit be issued with a penalty payment of 3 times the standard price for material removed from sovereignty lands.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Although an insignificant amount of dredging has previously occurred in the area, the removal of 36 cubic yards of bottom material should not have any significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - This department has no objection.

Department of Pollution Control - This department cannot comment favorably on projects that were constructed without proper permit and certification. It is recommended that the request be denied.

Staff recommends issuance of Permit No. 03-21-0204.

ACTION OF THE TRUSTEES:

The staff recommended that the regular charge be tripled for this after-the-fact permit.

On motion by Mr. Shevin, seconded by Mr. O'Malley and passed without objection, the Board authorized issuance of the permit and penalty charge for the material at three times the standard rate.

-21-

MANATEE COUNTY - Dredge Permit No. 41-21-0532
(September 28, 1971)

APPLICANT: Manatee County Highway Department
226 Sixth Avenue East, Bradenton, Florida 33505

PROJECT: To conduct periodic minor maintenance at 149 locations in Manatee County.

LOCATION: Throughout Manatee County.

MATERIAL: Minor accumulations of silt to be removed and placed on uplands.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division offers no objection provided:
(1) All spoil will be placed upon the uplands or trucked away to uplands. (2) Good conservation and environmental practices will be utilized in carrying out the intent of this permit. (3) All work will be performed in such a manner that turbidities shall not exceed 50 Jackson Units. (4) Notice as to what areas are to be maintained shall be given to the agencies concerned at least one week in advance.

ECOLOGICAL

RESPONSES: Department of Natural Resources -
The project should not have significant adverse effects on marine biological resources. Projects involving the extensive channelization of natural creeks or

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extensive construction on drainage canals should not be included in the general minor maintenance permit.

Game and Fresh Water Fish Commission - Our agency does not wish to object to the issuance of this general maintenance permit provided our recommendations are incorporated, as follows: (1) All spoil be disposed of on an upland site. (2) In order to preserve and maintain desirable water quality it is recommended that vegetation removal within Buckeye Canal (40A) and similar drainage systems be limited. (3) Removal of obstructions be limited to those which create a potential hazard to bridge structures or impede navigation. (4) The general maintenance permit not include any type of work which would in effect expand channelization projects. (5) All work be performed in a manner so as to restrict turbidities from exceeding 50 Jackson Turbidity Units above background.

Department of Pollution Control - This agency has no objection.

Staff recommends issuance of Permit No. 51-21-0532 subject to the stipulations of the Game and Fresh Water Fish Commission, Trustees' Field Operations Division, and the Department of Natural Resources. Furthermore, that no minor maintenance project shall involve the removal of more than 100 cubic yards of material.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr. Conner, passed without objection, the Trustees authorized issuance of the permit subject to the stipulations recommended by the staff and the environmental agencies.

-22-

SARASOTA COUNTY - Dredge Permit No. 58-21-0120
(September 18, 1972, Revised February 22, 1973)

APPLICANT: Strathmore Realty Corporation
c/o Smally, Wellford and Nalven
Post Office Box 4069, Sarasota, Florida 33578.

PROJECT: To excavate a yacht basin and maintenance-dredge an existing channel.

LOCATION: Section 15, Township 38 South, Range 18 East, Dryman Bay, Sarasota County.

MATERIAL: Approximately 5,880 cubic yards of material to be dredged and deposited on the applicants' upland property.

PAYMENT: \$5,880 received as payment for material at standard rate.

STAFF
REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL
RESPONSES: Department of Natural Resources - This department has no objection to the proposed project.

Game and Fresh Water Fish Commission - Deferred to the Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Dredge Permit No. 58-21-0120.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr. Conner, passed without objection, the Trustees authorized issuance of the dredge permit.

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PALM BEACH COUNTY - Marina License and Construction Permit
No. 50-30-0022 (January 3, 1973)

On February 6, 1973, the Trustees authorized issuance of the following marina license and construction permit:

APPLICANT: Colonnades, Inc.
c/o William G. Wallace, Inc.
105-6 Lakeview Building, North Palm Beach, Florida

PROJECT: To construct a dock 100' x 97.5' approximately 20 feet south of the Blue Heron Boulevard Bridge covering approximately 9,750 square feet.

LOCATION: Section 26, Township 42 South, Range 43 East,
Palm Beach County.

However, the agenda item #30 should have shown 200 feet south of the center line of the Blue Heron Boulevard Bridge.

Request authority to correct a scrivener's error in the minutes to show the correct distance of 200 feet south of the bridge.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr. Conner, passed without objection, the Trustees authorized correction of the agenda item as copied into the minutes of February 6, 1973.

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SPOIL ISLANDS POLICY

The State of Florida Board of Trustees of the Internal Improvement Trust Fund adopted a spoil islands policy August 11, 1970, as set forth:

1. Spoil islands should be left in their natural state unless a greater public purpose would be served by development. If non-state development is to take place, it should be undertaken under lease by the Trustees rather than sale and consistent with guidelines set forth in Section 253.111, Florida Statutes.
2. Proposals for public development of any spoil island should be authorized only after consultation with appropriate state agencies to see if any better public purpose might be served.

The Staff requests reaffirmation of above Trustees' policy adopted August 11, 1970, and that the following additional recommendation be adopted by the Trustees:

3. Dwelling houses and structures not owned by the State of Florida or any of its agencies that have been constructed on the spoil islands should be removed, either by the individuals claiming a possessory interest in the structures, within a reasonable period of time, or by appropriate state agencies with assistance from local governmental officials. Continuous human habitation of any spoil islands should be discontinued.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Conner and passed without objection, that the 1970 policy regarding spoil islands be reaffirmed and the additional recommendation stated above pertaining to structures on spoil islands be adopted as policy of the Trustees.

-25-

PROPOSED AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER 18-1 THROUGH 18-3 OF THE FLORIDA ADMINISTRATIVE CODE relating to satisfactory evidence of title in an applicant for some relief requiring action by the Trustees involving ownership of land.

March 20, 1973

The sections to be amended currently provide that title of the applicant be established by a certificate of title issued by a licensed title company doing business in Florida or by the opinion of an attorney who is a member of the Florida Bar, which opinion is based upon current abstract of title. Some sections recognize only the establishment of title by a certificate of title of a licensed title company.

Some of the sections, as now written, require detailed information concerning encumbrances on the title, information having little relevance to the relief requested in an application. These sections have been made uniform by the definition of satisfactory evidence of title.

Some of the requirements relating to evidence of title were established years ago by policy, not carried forward into regulations. Such policy is rescinded in the resolution adopting amendments to the regulations and "satisfactory evidence of title" as defined in Section 9 of the resolution is made applicable to all proceedings before the Trustees involving proof of title, unless the contrary is clearly required by statute.

The Board of Governors of the Florida Bar has taken a position in favor of the changes.

Staff recommends adoption of the amendments to the Administrative Code and the change in existing policy as set forth in the resolution attached to the agenda.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees adopted the amendments to the Administrative Code and the change in existing policy relating to satisfactory evidence of title in an applicant for some relief requiring action by the Trustees involving ownership of land.

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MONROE COUNTY - Illegal Dredging

The United States Attorney's Office at Miami, Florida has filed suit against Charley Toppino & Sons, Inc., in the United States District Court for the Southern District of Florida charging Charley Toppino & Sons, Inc. with illegal dredging at Rockland Key in Monroe County, Florida. The United States of America has asked for restoration of the property in question. A portion of the property is sovereignty land of the State of Florida and the Board of Trustees of the Internal Improvement Trust Fund has a cause of action against Charley Toppino & Sons, Inc., for the illegal dredging referred to in the suit filed by the United States of America.

Staff recommends the Board of Trustees intervene as a plaintiff in the subject suit in the United States District Court to protect its interests and present the claim of the Trustees for damages.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr Shevin and passed without objection, the Board of Trustees adopted the staff recommendation to intervene as a plaintiff in the subject suit in the United States District Court to protect its interests and present the claim of the Trustees for damages.

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LEE COUNTY - Bulkhead Line (March 7, 1973)

APPLICANT: Lee County Board of County Commissioners
Lee County Courthouse
Ft. Myers, Florida

March 20, 1973

PROJECT: By resolution dated March 7, 1973, the location of a bulkhead line at the mean high water line along the Caloosahatchee River in Sections 23 and 24, Township 45 South, Range 23 East, and in Sections 5, 8, 17, 18 and 19 in Township 45 South, Range 24 East, and in Sections 32 and 33 in Township 44 South, Range 24 East, Lee County.

On August 28, 1968, the Lee County Board of County Commissioners approved the setting of a bulkhead line along the Caloosahatchee River. This line as established was not satisfactory to either the staff or to GAC. Therefore, the staff, at the expense of GAC, had the bulkhead line surveyed and monumented at or along the mean high water line. This line as now located is acceptable to the staff, GAC, and has been adopted by the Lee County Board of County Commissioners.

STAFF

REMARKS: In regular meeting on January 18, 1972, the Board of Trustees approved the staff recommendation to accept the 9,523 acres of land in the Fahkahatchee Strand as part of the settlement with GAC Properties, Inc., and the granting of releases, deeds, and other assurances deemed necessary to vest good and marketable title in GAC Properties, Inc., to the land in controversy.

The establishment and subsequent approval by the Trustees of this bulkhead line will complete the steps needed to be taken to bring this matter to the conclusion previously approved.

Staff recommends approval of the bulkhead line, subject to the exchange of deeds and receipt of \$33,800 cash for engineering costs.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the bulkhead line established on March 7, 1973, by the Board of County Commissioners of Lee County was approved by the Trustees subject to the exchange of deeds and receipt of \$33,800 cash for engineering costs.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

* * * * *

Tallahassee, Florida
April 4, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

April 4, 1973

Joel Kuperberg

Executive Director

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Without objection, the minutes of the meeting on March 7, 1973, were approved as submitted.

-2-

LEE COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Exxon Company, U.S.A.
New Orleans, Louisiana

REQUEST: Consideration of sealed oil and gas bids.

LOCATION: Sunland Training Center at Fort Myers, in NW¼ of SE¼ and S½ of SE¼ of Section 7, S½ of SW¼ and SW¼ of SE¼ of Section 8, North 1730 feet of W 3/4 of Section 17, and North 1730 feet of E¼ of Section 18, in Township 44 South, Range 26 East, Lee County, containing 502.12 acres.

INTEREST OF STATE: The Trustees hold fee title to this tract of land which is leased to the Department of Health and Rehabilitative Services for its use and benefit. All proceeds from the proposed lease will go to that Department.

The lease requires an annual rental of \$1 per net mineral acre, \$100,000 surety bond, 1/8 royalty and at least one test well every 2½ years drilled to 6,000 feet or to the top of the Sunniland limestone formation or equivalent, whichever is deeper, with the right reserved by the Department of Health and Rehabilitative Services to approve or disapprove the drilling of any wells proposed on the leased land.

On February 20, 1973, the Trustees authorized advertising the land for sealed bids.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and the Fort Myers News-Press with bids to be opened at 10:00 A.M. (EST) on April 3, 1973, for consideration by the Trustees. The right to reject any or all bids is reserved.

ACTION OF THE TRUSTEES:

Mr. James T. Williams of the Land Records Division, Trustees' office, stated that two sealed bids were received, as follows:

Exxon Company, U. S. A. and Robert K. Hughes, jointly-
Total bid of \$6,326.70

Robert Mosbacher, Houston, Texas - Total bid of \$3,032.80

Mr. Williams had calculated the bonus per acre for each bid and reported that the Exxon bid offered a bonus of \$11.60 per net mineral acre. He recommended acceptance of that bid.

On motion by Mr. Christian, seconded by Mr. Dickinson and Mr. O'Malley, passed unanimously, the Board accepted the high bid and awarded the oil and gas drilling lease to Exxon, U. S. A. and Robert K. Hughes, jointly.

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DADE COUNTY

On March 21, 1972, the Trustees authorized issuance of Easement No. 25304 to Florida Power and Light Company for the construction and operation of an electric substation on 2½ acres of land in the southwest corner of the Florida International University Campus.

April 4, 1973

Florida Power and Light Company was denied a hearing for a zoning variance for construction of the substation as the application was filed in the name of Florida Power and Light Company, not owner of the property. In order to comply with the zoning procedures of Dade County, Florida Power and Light Company requests the Board of Trustees to execute a power-of-attorney granting Florida Power and Light Company the authority to file, in behalf of the Trustees, an application for a public hearing with the Dade County Zoning Board for a variance to permit the installation of an electric power distribution substation on the easement area of Florida International University Campus.

Staff legal counsel has reviewed and approved this request.

Recommend issuance of power-of-attorney to Florida Power and Light Company for the above purpose only.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed unanimously, the Trustees authorized issuance of power-of-attorney to Florida Power and Light Company for the above purpose only.

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HILLSBOROUGH COUNTY - Monitoring Well Easement
(February 27, 1973)

APPLICANT: City of Tampa
Department of Sanitary Sewers

REQUEST: An easement for location of a monitoring well

LOCATION: An area 15' x 15' adjacent to Fowler Avenue
on the University of South Florida Campus in
SW¼ of Section 9, Township 28 South, Range 19
East, Hillsborough County.

The City of Tampa is planning to construct an interim waste water treatment plant in the vicinity of the university and will use the landspread method to dispose of effluent. In order to monitor the penetration of the effluent into the underlying strata, several monitoring wells are necessary. One well location is desirable to the north of the proposed treatment plant on the university campus.

The Board of Regents Facilities Committee has reviewed and approved issuance of the easement.

Recommend issuance of the easement to the City of Tampa for monitoring well purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed unanimously, the Trustees approved the request of the City of Tampa for an easement for monitoring well purposes only.

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Item 5 on the agenda was temporarily passed, to be considered later in the meeting.

-6-

DUVAL COUNTY - Fill Permit No. 16-12-0005

At the request of the staff, the application of Automotive Disposal Corporation to construct a riprap seawall and fill three acres in Section 44, Township 1 South, Range 24 East, Trout River, Duval County, was withdrawn from the agenda.

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ESCAMBIA COUNTY - Extension of Permit No. 253.123-397
(November 20, 1969)

APPLICANT: Westinghouse Electric Corporation
Box 791, Pensacola, Florida 32502

PROJECT: To dredge a 200 foot x 200 foot turning basin and
a channel 10 feet deep, 100 feet wide and 4,000 feet
long.

LOCATION: Section 6, Township 1 South, Range 29 West, Escambia
Bay, in Escambia County.

STAFF

REMARKS: The applicant has been unable to complete the
work authorized under this permit because of delays
involved in obtaining the Corps of Engineers permit.
The Corps permit issued November 29, 1972, contained
a provision imposed by the U. S. Bureau of Sport
Fisheries and Wildlife and Environmental Protection
Agency that dredging not be done during the period
of March 15 to October 15. However, both agencies
are considering a recommendation to the Corps of
Engineers extending the dredging period and their
comments will be available prior to the Board of
Trustees' meeting.

The state permit issued November 20, 1969, and was
extended by the Board on November 14, 1972, until
March 15, 1973.

Staff recommends extension of Permit No. 253.123-397 until
April 25, 1973.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed
unanimously, the Trustees approved extension of Permit No.
253.123-397 until April 25, 1973, as recommended by the staff.

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LEE COUNTY - Artificial Reef Permit No. 36-32-0185
(January 22, 1973)

APPLICANT: Fort Myers Jaycees, Inc.
c/o Douglas F. Seymour
Route 8, Box 174, Bokeelia, Florida 33922

PROJECT: To construct an artificial reef to provide habitat
for marine life.

LOCATION: Ten nautical miles southwest of Point Ybel, Sanibel
Island, in the Gulf of Mexico, Lee County.

MATERIAL: 12,000 tires bundled into units of 12 tires each
weighted with concrete.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division recommends approval of the
proposed project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Construction of the
proposed project should not have significant adverse
effects on marine biological resources.

Game and Fresh Water Fish Commission - This agency
has no objection to the proposed project.

Department of Pollution Control - This department
has no objection to the proposed project.

Staff recommends issuance of Permit No. 36-32-0185.

April 4, 1973

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed unanimously, the Trustees authorized issuance of the artificial reef permit.

-9A-

LEVY COUNTY - Bulkhead Line
(February 7, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To establish a bulkhead line along the North and South approaches of the Number Four Channel Bridge on State Road Number 24 at Cedar Keys.

LOCATION: Section 20, Township 15 South, Range 13 East, Levy County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations Division has no objection.

ECOLOGICAL
RESPONSES: Department of Natural Resources - This department has no objection.

Game and Fresh Water Fish Commission - This agency has no objection.

Department of Pollution Control - This department has no objection.

OTHERS: Levy County Board of County Commissioners on September 5, 1972, approved the bulkhead line location.

Staff recommends approval of the bulkhead line in File No. 38-35-0447.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed unanimously, the Trustees approved the bulkhead line as recommended by the staff.

-9B-

LEVY COUNTY - Right of Way Easement File No. 2493-38-253.03
(February 7, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Highway and bridge construction for State Road 24. Some dredging and filling is required.

LOCATION: Two parcels of sovereignty land totaling 3.75 acres in channel 4, Gulf of Mexico, abutting Sections 17 and 20, Township 15 South, Range 13 East, Levy County.

PAYMENT: None.

Staff requests authority to issue the right of way easement subject to the Department of Transportation acquiring the abutting upland ownerships.

April 4, 1973

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed unanimously, the Trustees approved issuance of the right of way easement requested by the Department of Transportation subject to that department acquiring the abutting upland ownerships.

-9C-

LEVY COUNTY - Dredge and Fill Permit No. 38-21-0448
(February 7, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To construct a new bridge across Number Four Channel,
State Road 24.

LOCATION: Sections 17 and 20, Township 15 South, Range 13 East,
Cedar Keys, Levy County.

MATERIAL: Approximately 19,300 cubic yards of spoil will be
placed on privately-owned upland.

PAYMENT: Request waiver of fee.

STAFF

REMARKS: Field Operations Division has no objection to the
project provided the destruction of the marsh is kept
at an absolute minimum.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The project should
not significantly damage marine biological resources
if efforts are made to retain silt and fill materials
within construction boundaries. Small ditches should
be constructed alongside portions of fill that would
eliminate intertidal creeks or restrict intertidal
flow to productive marsh areas. Efforts should be made
to allow faster intertidal flows to marsh areas between
the old and new road rights-of-way.

Game and Fresh Water Fish Commission - If the following
procedures are implemented, the small amount of
dredging and filling required can be done with little
environmental damage. Do all work at low tide to
minimize turbidities. Secondly, riprap and grass the
shoulders adequately to prevent future erosional
turbidity.

Department of Pollution Control - This department has
no objection to the proposed project.

- OTHERS:
1. Levy County Board of County Commissioners approved
dredge permit resolution October 17, 1972.
 2. Levy County Board of County Commissioners approved
fill permit resolution September 5, 1972.

Staff recommends issuance of Permit No. 38-21-0448 subject to the
stipulations of the environmental agencies and payment for material
placed on privately-owned uplands at the established rate of 50¢
per cubic yard.

ACTION OF THE TRUSTEES:

The description of the location of the project was corrected from
Monroe County to Levy County.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed
unanimously, the staff recommendation was accepted as the action
of the Board.

April 4, 1973

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PASCO COUNTY - Dredge Permit No. 51-21-0046
(August 4, 1972)

APPLICANT: Leisure Lands, Inc.
c/o Virgil F. Bryant, Jr.
50 Highpoint Boulevard, High Point
Brooksville, Florida 33512

PROJECT: To dredge and clean out existing canals and the
channel into the Gulf of Mexico at Leisure Beach
and Signal Cove Subdivisions.

LOCATION: Section 33, Township 24 South, Range 16 East, Section
4, Township 25 South, Range 16 East, Gulf of Mexico
Pasco County.

MATERIAL: Spoil to be deposited adjacent to the channel on
existing spoil banks.

PAYMENT: Not applicable; spoil to be placed on state-owned
submerged lands.

STAFF
REMARKS: Field Operations Division cannot favorably comment upon
the proposed maintenance project.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed limited
excavation to improve navigation should have only
limited adverse effects on marine life, provided
spoil is placed on upland. To conserve marine habitat,
spoil or fill previously placed on submerged lands
should be removed.

Game and Fresh Water Fish Commission - No objections
provided the channel is dredged no deeper than -5 feet
at mean low tide, a diaper placed at the channel
entrance (west end) during the dredging operation and
retained until turbidity within the channel is 50
J.T.U. above background. All spoil should be placed
on the upland area with no intrusion on the marsh or
submerged lands, and no additional upland canals should
be connected to the existing channel.

Department of Pollution Control - This department has
no objection to the proposed project.

NOTE: The applicant was advised of the agency stipulations
on October 26, 1972, was asked if he could modify
the project to meet the suggestions. To date he has
not responded.

Staff recommends denial of Permit No. 51-21-0046 as the applicant
has not indicated willingness to meet the stipulations of the
environmental agencies.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley, to deny
the application with prejudice, whereupon the Executive Director
requested denial without prejudice so that the applicant might
comply with the agency stipulations and re-apply for a permit.

A question by Mr. O'Malley as to the possibility that the
initial canal work constituted a violation would be investigated
by the staff and a report made before any further consideration
of this applicant's request for a permit.

On an amended motion by Mr. Stone, seconded by Mr. O'Malley and
passed without objection, the permit application was denied without
prejudice.

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POLK COUNTY - Dredge and Fill Permit No. 53-39-0377

At the request of the staff, the application of Mobil Chemical Company for a permit for work in Section 14, Township 31 South, Range 25 East, Peace River, Polk County, was withdrawn from the agenda for further investigation.

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MONROE COUNTY - Dredge Permit No. 253.03-178
(January 19, 1973)

APPLICANT: Tropical Isles, Inc.
c/o A. M. Adams
Post Office Box 1702, Key West, Florida 33040

PROJECT: Extension of Trustees' Permit No. 253.03-178 expiring April 8, 1973. Project has not been completed because State Pollution Control Board has not granted approval.

LOCATION: Section 2, Township 67 South, Range 29 East, Big Pine Key, Monroe County.

MATERIAL: 21,200 cubic yards of material to be placed on applicant's uplands.

PAYMENT: Applicant submitted \$2,120 as payment for material at time of original permitting.

STAFF
REMARKS: Field Operations Division recommends denial of an extension of the permit since the area has become quite productive and there is no tidal flushing problem.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Reports the channel, spoil bank, and surrounding submerged lands contain habitat useful to marine life. "Perhaps this situation should be studied by a hydrographic engineer, because from the nautical chart showing the location of the project, it would seem that the spoil bank, even as long as it is, is not interfering with the flow pattern to such a degree as to warrant its removal."

Game and Fresh Water Fish Commission - Concurs with the Department of Natural Resources.

Department of Pollution Control - Comments not received.

OTHERS: Mr. William D. Becker, Resident Marine Biologist, and Mrs. Irene Hooper, President of SEACAMP, recommend against removal of the spoil bank.

Staff recommends that Permit No. 253.03-178 not be extended.

ACTION OF THE TRUSTEES:

Responding to members' questions, Mr. Kuperberg said this was an old and controversial project, at one time it was recommended that the berm left after channel dredging be removed and the matter at issue for some time was partly the reason for establishing an aquatic preserve including everything below the mean high water. The environmental agencies now recommended that the berm remain as there apparently is no interference with tidal flow.

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees accepted the staff recommendation to deny permit extension.

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MONROE COUNTY - Signboard Permit No. 1246

As the rental had been paid by Harry Gilbert, holder of Lease No. 1246 for a signboard northwest of Jewfish Creek Bridge on U. S. Highway 1, on sovereignty land in Monroe County, the matter was withdrawn from the agenda at the request of the staff.

-14-

ST. JOHNS COUNTY - Dredge Permit No. 55-20-0065
(February 26, 1973)

APPLICANT: Board of County Commissioners of St. Johns County
c/o Alan G. Stanford, Jr.
Post Office Box 299
St. Augustine, Florida 32084

PROJECT: To dredge a channel 50 feet in width in Vilano Boat Basin, St. Johns County.

LOCATION: Section 8, Township 7 South, Range 30 East, St. Johns County.

MATERIAL: 8,745 cubic yards of spoil to be placed on an existing upland island previously used for spoil at the time the basin was constructed.

PAYMENT: Not applicable. Spoil to be placed on publicly-owned property.

STAFF

REMARKS: Field Operations Division has no objection to this project as revised.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Maintenance dredging of the channel and basin as proposed would have only limited adverse effects on marine biological resources provided siltation and turbidity control devices are used during the dredging operation. The upland portion could be used for spoil disposal without having significant detrimental effects on marine biological resources if the following conditions are followed: (1) The spoil island should be diked prior to use. (2) The spoil dike should be properly constructed and located upland of the intertidal marsh. (3) The waste water return weir should flow directly into the existing navigation channel. (4) A siltation barrier should be placed near the outlet weir to control siltation and turbidity problems associated with return of spoil waste water. (5) Since the old spoil island may not be large enough to retain the entire 8,745 cubic yards of material, the applicant should be advised that excessive spoil materials must be placed on upland property or hauled away. Under no circumstances should spoil be placed within the intertidal marshes or creeks. (6) Our area field biologist, Gerald Herting, should be contacted to assist in determining the outer location of the spoil dikes and should be allowed the opportunity to review construction plans for the dike and make suggestions necessary to properly protect the intertidal marsh.

Game and Fresh Water Fish Commission - Deferred to the Department of Natural Resources.

Department of Pollution Control concurs with Department of Natural Resources report of March 14, 1973, and TIITF Field Operations report of March 13, 1973.

Staff recommends approval of Permit No. 55-20-0065 subject to the stipulations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the project had been modified to meet objections of the environmental agencies and the staff recommended approval.

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On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the staff recommendation was accepted as the action of the Board.

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SARASOTA COUNTY - Fill Permit No. 58-12-0181
(October 4, 1972)

APPLICANT: R. C. Hodson
c/o John A. Grant, Inc.
3333 North Federal Highway, Boca Raton, Florida 33432

PROJECT: To construct a seawall along a lot bordering on the Myakka River.

LOCATION: Section 2, Township 40, Range 20, Myakka River, Sarasota County.

MATERIAL: Fill to be obtained from upland sources.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations Division has no objection provided (1) the seawall is constructed prior to any backfilling, (2) backfill should be obtained from upland sources, (3) consideration should be given to placing riprap at the base of the seawall to provide a habitat for marine life.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed seawall installation and riprap placement at the south end of the wall should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - This agency has no objection to the project as proposed; however, it is recommended that riprap be used instead or in front of the seawall.

Department of Pollution Control - This agency has no objection to the proposed project.

OTHERS: Minor Work Application #71-57 approved by the Sarasota County Water and Navigation Control Authority May 25, 1972.

Staff recommends issuance of Permit No. 58-12-0181 subject to the stipulations of the environmental agencies.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the Board approved issuance of the permit subject to the stipulations of the environmental agencies.

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COLLIER COUNTY - Marina License Renewal Permit No. ML-114
(February 23, 1973)

APPLICANT: Marco Towers, Inc.
West Pelican Avenue
Isles of Capri
Naples, Florida 33940

PROJECT: To renew ML-114 for one year.

LOCATION: Section 6, Township 52 South, Range 26 East, Big Marco Pass, Collier County.

MATERIAL: Not applicable.

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PAYMENT: \$100 minimum annual fee.

STAFF
REMARKS: Field Operations Division reports that construction conforms to the approved permit.

ECOLOGICAL
RESPONSES: Not applicable.

Staff recommends renewal of ML-114 for one year.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr. Christian and passed without objection, the Board approved renewal of the marina license for one year.

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BREVARD COUNTY - Dredge and Fill Permit No. 05-31-0282
(November 27, 1972)

APPLICANT: Canaveral Port Authority
c/o Gee and Jensen, Consulting Engineers, Inc.
2019 Okeechobee Boulevard
West Palm Beach, Florida 33401

PROJECT: To continue Phase 2, 3 and 4 to provide additional wharfage and upland port facility area for cargo and passenger operations. The work was started under Trustees' Permit 253.123-576 that expires June 10, 1973.

LOCATION: Section 9, 10, 11, Township 24 South, Range 37 East, Canaveral Harbor, Brevard County.

MATERIAL: 4,200,000 cubic yards of material to be dredged.

PAYMENT: Not applicable. State-owned lands not involved.

STAFF
REMARKS: Field Operations Division has no objection to the proposed project, provided adequate turbidity control devices are utilized.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The project should not significantly affect marine biological resources.

Game and Fresh Water Fish Commission - This agency offers no objection.

Department of Pollution Control - This department offers no objection to the proposed project.

Staff recommends issuance of Permit No. 05-31-0282 provided adequate turbidity control devices are utilized during construction.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Board authorized issuance of the permit subject to the provisions recommended by the staff.

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The application numbered 18 on the agenda was temporarily passed, to be considered later in the meeting.

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PALM BEACH COUNTY - Fill Permit No. 253.124-305

Based on adverse recommendations from local authorities, the environmental agencies and the staff, the motion by Mr. Stone, seconded by Mr. O'Malley, passed without objection to deny a fill permit to the City of Lake Worth to fill a parcel of submerged land west of State Road A-1-A and south of the south right of way line of State Road 802.

Later in the meeting telephoned message was received that Mr. Steinhardt, representing the City of Lake Worth, had received notice of the meeting only this morning and wished to appear before the Board in regard to this application.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees reconsidered and deferred action on the application for two weeks, at which time the Board intended to take final action.

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LAKE COUNTY - Dredge Permit No. 35-20-0303
(December 4, 1972)

APPLICANT: Dr. and Mrs. James W. Todd
c/o Glenn Burbans Land Development Company
North Highway 19
Eustis, Florida 32726

PROJECT: To dredge a channel 200 feet long and 90 feet wide in a marsh between open water and the applicant's uplands to allow access to Lake Dalhousie.

LOCATION: Section 28, Township 18 South, Range 27 East, Lake Dalhousie, Lake County.

MATERIAL: 1,500 cubic yards of material to be placed upon uplands behind natural silt and runoff barrier.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division recommends against the project as proposed because to destroy such a large amount of this marsh area could have serious long-term effects on the water quality in this lake.

ECOLOGICAL

RESPONSES: Department of Natural Resources, Bureau of Beaches and Shores - It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Marsh areas such as this are essential for the continued productivity of fresh water lakes. They are important nursery areas for various fish and wildlife species, they are a primary source of fish and waterfowl food organisms, and they provide a biological filter for the lake through absorption of nutrients. This agency recommends against this project because of the biological damage that would occur.

Department of Pollution Control - The shoreline vegetation acts as a natural filter to remove undesirable substances that may be present in surface water runoff. The project as submitted is not recommended for approval.

Staff recommends denial of Permit No. 35-20-0303.

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained that a significant part of the area is below mean high water and the staff had suggested several alternatives that were not accepted by the applicant.

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On motion by Mr. O'Malley, seconded by Mr. Christian and Mr. Shevin, passed without objection, the Trustees accepted the staff recommendation and denied the application on the basis of the adverse environmental reports.

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INDIAN RIVER COUNTY - Marina License and Construction
Permit No. 05-30-0417
(February 19, 1973)

APPLICANT: Indian River Marine Basin, Inc.
c/o Donald A. Thornburg
2222 Front Street, Melbourne, Florida 32901

PROJECT: To construct two piers 8 feet x 60 feet and 8 feet by 72.5 feet extending from an existing seawall.

LOCATION: Section 2, Township 28, Range 37, Melbourne Harbor, (Crane Creek) Brevard County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF
REMARKS: Field Operations Division has no objection to this project as proposed.

ECOLOGICAL
RESPONSES: Department of Natural Resources - This department has no objection.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed subject project.

Staff recommends issuance of Marina License and Construction Permit No. 05-30-0417.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the permit.

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MARTIN COUNTY - Marina License and Construction
Permit No. 43-30-0106
(January 14, 1973)

APPLICANT: Franklin A. Wood
Post Office Box 23
Palm City, Florida 33490

PROJECT: To construct a commercial dock extending 300 feet into the South Fork of the St. Lucie River and replace an existing 58-foot long dock.

LOCATION: Section 17, Township 38 South, Range 41 East, South Fork of St. Lucie River.

MATERIAL: Not applicable.

PAYMENT: \$362.32 annual fee.

STAFF
REMARKS: Field Operations Division has no objection to the project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed dock construction should not significantly affect biological resources provided siltation is controlled during the installation.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to either of these projects.

Staff recommends issuance of Marina License and Construction Permit No. 43-30-0106.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian, to approve the application.

Mr. O'Malley, questioning the need for a dock of that length and possible problems in terms of water flow, was informed by the Director that the staff considered a dock a temporary type structure preferable to construction of a basin or permanent type marina structure. Mr. Robert A. Rوتا, staff member, further assured the Treasurer that the south fork was quite wide at that point and the proposed construction would not obstruct water flow.

The motion to approve issuance of the permit was passed without objection.

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DADE COUNTY - Construction Permit No. 13-30-0311
(December 18, 1972)

APPLICANT: Maria J. Otero
c/o American Davits Corporation
7477 Northwest 63 Street
Miami, Florida 33166

PROJECT: To repair an existing concrete bulkhead and construct a 12-foot by 14-foot dock.

LOCATION: Section 30, Township 53 South, Range 42 East, Biscayne Bay, Dade County.

MATERIAL: Not applicable.

PAYMENT: Not applicable. State-owned submerged land not involved.

STAFF

REMARKS: Field Operations Division recommends approval of the bulkhead and dock.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed project should not have significant adverse effects on marine biological resources. However, the use of riprap is strongly recommended on biological and hydrographic grounds.

Game and Fresh Water Fish Commission - This agency has no objection, but recommends that the remains of the old seawall be placed in front of the new seawall in the form of riprap.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Permit No. 13-30-0311 subject to the stipulation that riprap be placed in front of the seawall.

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ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. O'Malley, passed without objection, the construction permit with stipulation as recommended was approved by the Board.

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LEE COUNTY - Dredge Permit No. 253.123-1018

Charles C. Bundschu, Jr., applied for a dredge permit to modify a permit approved by the Board on November 29, 1972, for work in Section 30, Township 43 South, Range 22 East, Pine Island, Lee County. A small channel extending west of the project had been eliminated from the plan and the staff recommended approval of the modification subject to all stipulations of the original permit.

Motion was made by Mr. Stone, seconded by Mr. O'Malley, to approve the application.

Mr. Conner reported receiving a request for a delay of two weeks from the Lee County Conservation Association that he would like to honor as a matter of courtesy.

Mr. Kuperberg responded that he did not object to deferral of this relatively small project, that it had been reviewed by the staff several times because it adjoined a very controversial project that might be the cause of some confusion and local objection. The application had been deferred two weeks ago because of the objections of the Association and a field inspection last week did satisfy the staff but not the objectors, as it is a low land area and a very close question.

At Mr. Conner's request action was delayed for two weeks, and the Governor asked that Lee County Conservation Association be urged to appear to give the members the benefit of its information and objections, as a final decision should be made on this application.

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CITRUS COUNTY - Dredge Permit No. 253.123-1009
(September 21, 1972) (Revised)

APPLICANT: Crystal River Development Corporation
c/o William J. Roberts
Post Office Box 1386, Tallahassee, Florida 32302

PROJECT: To connect a proposed upland canal system to the Crystal River at three locations.

LOCATION: Sections 13 and 18, Township 18 South, Range 17 East, Citrus County.

MATERIAL: 1,800,000 cubic yards of material to be excavated from upland and 12,000 cubic yards of sovereignty land to be excavated.

PAYMENT: \$6,000 received as payment for material at standard rates.

STAFF REMARKS:

Field Operations - (1) "An extensive upland canal system apparently solely for the purpose of gaining fill material would not seem to be in the public interest, and would be contrary to staff policy. (2) There appears to be no indication in the plan submitted for an adequate sewage system. (3) An alternative development plan could possibly be worked out utilizing a marina capable of handling the boats of future residents. (4) All homesites should be restricted to the existing high areas in the tract with some use of pad fills accommodating houses."

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ECOLOGICAL RESPONSES:

Department of Natural Resources: July 14, 1971: The marshes and creeks provide important habitat for marine animals. The development plans would eliminate this marsh. Filling and dredging of canals in the biologically productive intertidal marsh and creeks in the subject area would have definite and permanent adverse effects on marine biological resources.

November 30, 1971: The application has been revised to preserve a significant portion of the productive marsh habitat mentioned in our report. The current proposal will have less adverse effects on marine biological resources than would the original plan.

February 19, 1973: Although significant revisions have been made to arrive at this plan, the development would still have permanent immediate and long-term adverse effects on marine biological resources of Crystal River.

Conclusion of hydrographic study - (1) A saline wedge and consequent density stratification may exist in the vicinity of Station 3 at depths below 7.5 feet. (2) No problem in circulation of the canals is foreseen unless stratification takes place. (3) The construction of the subdivision will have no appreciable effect on the flow of Crystal River. (4) The small connecting canals will only tend to collect and retain flotsam.

Game and Fresh Water Fish Commission - The applicant has revised his project considerably since his initial contact with the Trustees of the Internal Improvement Trust Fund and the various environmental agencies in 1971. He has for the most part eliminated the dead-end canal configuration and has expanded the amount of sawgrass marsh to be preserved. These steps will to some extent mitigate the impact of this development on the fish and wildlife resources of the Crystal River.

We are, however, still concerned that an active southern bald eagle nest which presently exists on the applicant's property may be destroyed. Young eagles were reared in this nest last year and it is probable that it will continue as an active nest for some time in the future if the proper steps are taken. We are currently working out an agreement with the applicant as to how much land should be set aside as a sanctuary to protect the nesting area. We also recommend that the Trustees of the Internal Improvement Trust Fund consider leasing the sanctuary as provided by Chapter 258 so that the applicant may realize the tax break provided for in that chapter. If the applicant is agreeable to the above stipulations, we have no objection to the issuance of a permit.

Department of Pollution Control - No objection.

OTHERS: 1. Board of County Commissioners of Citrus County approved on October 14, 1971 by Resolution No. 71-28.

2. Coastal Coordinating Council would be opposed to the project from both an environmental and planning standpoint.

NOTE: Letter of December 21, 1972 from applicant's agent, states the Trustees staff will be notified concerning preservation of the eagle nest. The applicant will consult with the Game and Fresh Water Fish Commission concerning the necessary preserve area.

Staff recommends denial of project as submitted because of its potential for further degradation of the unique, springfed Crystal River, the ground water resources of this portion of Citrus County and the cumulative effect of urban runoff upon the aquatic productivity of the river and near-shore Gulf of Mexico ecosystem.

ACTION OF THE TRUSTEES:

Mr. Kuperberg, stating that the unique spring-fed Crystal River was held in trust by the Trustees, said all the environmental agencies and the staff objected to this project involving about 700

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acres of hammock and marsh lands adjoining a river already affected by other developments with connections to the river. Photographs were exhibited to show the extent of upland canal work causing on-going destruction of flood plain filters, with increasing turbidity and degradation of the river waters. Mr. Kuperberg said the cumulative effect of such connections would destroy the river values and reduce land values; and while this applicant had made great effort to obtain approval for the project, the staff in the beginning had suggested an upland lake project with all runoff into the upland lakes and a marina connection with Crystal River, not denying the applicant navigation access. The Director added that in order to raise the land to usable elevation the project would require extensive dredging.

Motion was made by Mr. O'Malley, seconded by Mr. Stone, to deny the application.

Mr. William J. Roberts, applicant's attorney, pointed out some of the efforts made to overcome objections to this project that provides for three additional connections into the river (two from an existing canal and one from a basin in the western-most portion of the property) for the 700 acres of upland immediately west of the Holiday Inn on U. S. 19 at Crystal River. The applicant had seriously considered the marina-type connection, found it not economically feasible, and after two years of work there were no objections from environmental agencies that were not met. Mr. Roberts said there would be no dredging of intertidal marsh, all existing creeks would be preserved and surrounding green areas dedicated to the state, the City of Crystal River had approved annexation of the property into the city limits and applicant had agreed to expand the city sewage treatment plant to accommodate not only this 700 acres but all intervening property owners. For this planned unit development, Mr. Roberts said the applicant had done everything asked of him other than not to build the project, and had committed in writing with the Department of Pollution Control to protect water quality standards and with the Game and Fresh Water Fish Commission to set aside land to protect an eagle's nest.

Governor Askew stated that the effect of the motion was to deny without prejudice. Therefore, if the applicant should determine it economically feasible he could submit his application consistent with the marina concept the staff had suggested.

Mr. Roberts responded that the applicant had rejected this some time ago and his course of action in event of denial would be certiorari as he had overcome all the environmental agencies' objections except not to build the project.

On motion by Mr. O'Malley, seconded by Mr. Stone and adopted without objection, the Trustees approved the staff recommendation for denial of the project as submitted because of its potential for further degradation of the Crystal River, the ground water resources of this portion of the county and the cumulative effect of urban runoff upon the aquatic productivity of the river and near-shore Gulf of Mexico ecosystem.

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HERNANDO COUNTY - Dredge and Fill Permit No. 27-39-0465
(February 12, 1973)

APPLICANT: Hernando Beach, Inc.
c/o Adrian S. Bacon
Post Office Box 13576
St. Petersburg, Florida 33733

PROJECT: To construct a series of canals through about 80 acres consisting of tidal creeks, tidal marsh, and undeveloped uplands.

LOCATION: Section 13, Township 23 South, Range 16 East, Eagle Canal, Hernando County.

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MATERIAL: Information concerning quantity of material to be dredged not submitted.

PAYMENT: Not applicable.

STAFF

REMARKS: Mr. Adrian Bacon, representing Hernando Beach, Inc., has requested this item be considered on April 4, 1973.

The Trustees' staff is of the opinion that state-owned lands have been previously filled and appropriated by the applicant without proper authority. On February 17, 1972, Mr. Bacon was advised that the Trustees' staff would recommend that lands filled below the mean high water line be restored to their natural state. A meeting was held with the applicant on August 4, 1972, at which time representatives of the various state environmental agencies concurred with the suggested restoration. The U. S. Bureau of Sport Fisheries and Wildlife has recommended to the U. S. Army Corps of Engineers that the area be restored.

As a counter offer, an application was received from Mr. Bacon on February 12, 1973, to conduct additional work at the site and to deed certain lands to the state and county. The Trustees' staff believes the lands offered by the applicant in settlement of this dispute have always been state-owned. The staff authorized a survey and made a determination of the mean high water mark as it existed before development by the applicant. It is the staff's position all lands below this line are sovereignty property which should not be alienated by the state.

ECOLOGICAL RESPONSES:

Department of Natural Resources - December 5, 1972 - To best conserve marine and wildlife habitat, existing tidal creeks and submerged vegetation should not be filled. Limited channelization may be permitted without having significant adverse effects on marine biological resources. July 20, 1972 - It is recommended that the creeks and marshes dredged or filled by recent construction be restored to their original elevation since it is likely that marine vegetation could become reestablished.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Staff recommends denial of Permit No. 27-39-0465 and requests authority to file suit to quiet title and seek restoration of previously dredged and filled submerged lands in Section 13, Township 23 South, Range 16 East, Hernando County.

ACTION OF THE TRUSTEES:

Mr. Kuperberg reviewed the staff position that the only permit that had been issued by state or federal agencies was for the construction of a navigation access channel, that extensive other work was going on that should be under permit, that there was question as to the boundary between the state's jurisdiction and the owner's upland property line, and staff considered that there had been an invasion of the state's ownership which position had been borne out by a registered surveyor's survey. The proposed settlement was not recommended as all involved agencies have requested restoration of the land seaward of the mean high water line. The Director said the subject permit application was agendaed at the applicant's request. It had not been formally filed until February, thus all environmental comments had not been received.

Motion was made by Mr. O'Malley, seconded by Mr. Stone, to approve the staff recommendation for denial.

Responding to members' questions, Mr. Kuperberg said there were no homes on the property involved but lots had been sold; there were homes on the northern parcel which area had been developed prior to the Randell Act and was therefore not a part of the staff recommendation as it was generally agreed with the United

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States that action not be taken against projects more than five years old.

The basic issue, as in the Wetstone case, is the meander line versus the mean high water line as the boundary, the staff position being that the sovereignty land extends landward to the mean high water line.

Mr. Dickinson, reviewing the legal basis, agreed that the question was who owns the land, the state claiming by right of sovereignty or the applicant by right of conveyances of warranty deeds. In the old deeds the property was described by references to a government meander line survey in the mid 1800's but the state's position seemed to be that this related only to swamp and overflow land and not sovereign lands. Mr. Dickinson said that determination by a court ultimately might be the only solution with regard to the applicants and the state, but a more profound problem might be involved relating to approximately a thousand persons who through previous sales could be affected by the outcome.

Attorney General Shevin expressed the opinion that the title questions should be resolved by a court and he concurred in the staff recommendation to deny the application and the settlement proposed by Hernando Beach, Inc.

Mr. Adrian S. Bacon, attorney of the firm of Bacon and Hanley, was present representing Hernando Beach, Inc., as were Mr. Charles Talley and Mr. Joseph Johnston. In a lengthy presentation Mr. Bacon discussed the history of this land improvement project begun in about 1959 with the dual purpose of limerock removal by the companies and predecessor in title and for production of homesites. He said that Units 1 through 11 in the northern portion were completed, sold and homes built on the lots, each unit subdivided, platted, approved by the county and the only permit acquired and thought necessary at that time was for the navigation channel. In regard to Units 12 and 13, under production when this controversy began, Mr. Bacon said the companies, on being notified by state and federal representatives that they felt the construction was without permit and on state land, ceased construction; and negotiations and discussions began with publicity that alarmed those purchasers of property who expected the company to carry out its contracts to improve their properties.

Mr. Bacon said Hernando Beach, Inc., had stopped construction, notwithstanding the fact that it had warranty deeds to its land from predecessor in title that deraigned to a deed from the Trustees in 1881 transferring these specific lands and guaranteeing title to the lands which the company was accused of filling and not owning. He explained that these lands had been conveyed from the United States to the State of Florida under patent as swamp and overflowed lands, not navigable waters, that the Trustees in turn transferred these lands to Hamilton Disston by warranty deed that guaranteed the title with an expressly stated and a continuing warranty. Title to the lands and lots sold and contracted to be improved had been insured, each lot purchaser received his contract, his title and an insurance policy, mortgages were issued, plats prepared, approved and recorded, and sale of lands in Units 12 and 13 were registered and approved by Florida Land Sales Board.

Mr. Bacon discussed efforts by the company to resolve the controversy including having abstracts of title and aerial photographs made, submission of a bona fide offer last May and June to compromise and settle a dispute and, in order to expedite the offer, filing application with the Corps of Engineers and the County Commission setting forth the construction desired in permit form and not waiving any legal rights. Mr. Bacon emphasized his client's opinion that the Trustees' warranty deed was a contractual obligation that should not be repudiated, that approximately 400 lot sales were involved in addition to his client's immediate grantors, three of whom present at this meeting were Senator Paul Kickliter, Mr. George Kickliter and Mr. Alfred McKeithan.

Governor Askew commented that in a title question a basic consideration was that a deed was only as good as the chain of title from

its derivation and depended upon an accurate description of the land, the Trustees' counsel having taken the position that Hernando Beach owns only to the line of mean high water and not to the meander line, and that dredging and filling has been done on state-owned land. Obviously, the Governor added, there are some hardships involved and title questions are not unique to this particular area.

Mr. O'Malley and Mr. Stone expressed the opinion that only a quiet title suit can determine true ownership, the principle in the Wetstone case was involved; therefore, this is not the time to consider settlement.

Comptroller Dickinson stated that the applicant may have a sound legal position based on the language in the old deeds. He said the Board was not the judge and noted that the majority position of the Board was to accept the staff recommendations.

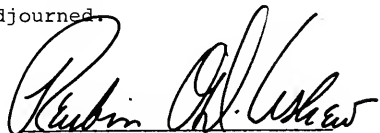
Senator Paul Kickliter and Mr. George Kickliter spoke of their purchase of Sections 12 and 13 in the 1950's, sale to Charlie Sasser (known as Hernando Beach), and development continuing from 1959 until stopped a year and a half ago causing great expense to the developer and holding up contracted performance to build canals and streets for lot owners. The Trustees were asked to protect the rights of some 2,000 people involved and owning part of that property and urged to give reasonable, genuine consideration to a compromise.

The Governor assured them the Board tried to balance the equities in situations where people are caught by changing times, but in this particular instance the Board cannot negotiate until it knows who owns the land. The Board should consider rights of the people of the state to their coastal lands and demands for better standards and guidelines in developing such lands. Mr. O'Malley added that compromises were sometimes in order but here there is a question of sufficiency of title and authority of the Trustees in 1881 to convey title.


Mr. McKeithan said the development of this property had been an asset to the community and the people's trust in state government (the warranty deed from the state) was an issue.

The motion of Mr. O'Malley, seconded by Mr. Stone, to approve the staff recommendation to deny permit and authorize a suit to be filed to quiet title and seek restoration of previously dredged and filled submerged land in Section 13, Township 23 South, Range 16 East, Hernando County, passed without objection.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

* * * * *

April 4, 1973

Tallahassee, Florida
April 17, 1973

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

-1-

On motion adopted without objection, the minutes of the meeting of March 20, 1973, were approved as submitted.

-2-

POLICY - Release of Reservations contained in Murphy Act Deeds

On October 23, 1951, the Trustees adopted policy setting forth the procedures the staff would follow in processing requests for release of oil, mineral and road right of way reservations contained in deeds issued by the Trustees under Chapter 18296, Acts of 1937 (Murphy Act).

This policy was not updated when the procedures used in releasing similar reservations contained in Board of Education and Trustees' deeds were modified on August 4, 1959. Further, the policy adopted in 1951 was not incorporated in the Administrative Rules of the Trustees under Chapter 120, Florida Statutes.

It is therefore recommended that the policy adopted in 1951 relating to release of reservations contained in Murphy Act deeds be rescinded and the provisions of Chapter 18-1.05 as amended of the Florida Administrative Code prevail.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation was approved as the action of the Board.

-3-

HERNANDO COUNTY - Federal Surplus Land

APPLICANT: Department of Agriculture and Consumer Services,
Division of Forestry.

REQUEST: Adoption of a resolution and execution of an application for submission to the Bureau of Outdoor Recreation, U. S. Department of the Interior, on behalf of the Division of Forestry, to acquire 110 acres of surplus federal land.

LOCATION: 110 acres in Section 36, Township 21 South, Range 19 East and Section 1, Township 22 South, Range 19 East, Hernando County, lying and fronting on U. S. Highway 41 (State Road 45).

This parcel is a portion of the 1,313.16 acres of the U. S. Beef Cattle Research Station and consists of unimproved forest land. The 110 acres to be requested by the Division of Forestry was originally sought by Hernando County, but the county has now withdrawn its application for the tract. The Division of Forestry

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has prepared a revised plan with maps and pertinent information to file with the application which will supersede the Department of Agriculture and Consumer Services original application for the entire 1,313.16 acres of surplus land. The 110 acres, if transferred to the State for the use and benefit of the Division of Forestry, will be developed as a public park or recreation area.

The application to be submitted to the United States must be accompanied by a resolution executed by the Trustees, as the appropriate agency of the State of Florida to hold title to the land, designating Doyle Conner, Commissioner of the Department of Agriculture and Consumer Services, to act on behalf of the Trustees in doing all acts and things necessary to secure the transfer of this property to the state.

Recommend adoption of the resolution and authorizing the Executive Director to execute on behalf of the Board of Trustees the application for transfer of the 110 acres of surplus land to the State.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board.

-4-

LAKE COUNTY - Land Exchange

APPLICANT: G. W. Pringle
Post Office Drawer 88, Leesburg, Florida
REQUEST: Exchange of 97 acres of privately-owned land for 97 acres of state land
LOCATION: The 97 acres of state land is in two separate parcels in use by the Florida Agriculture Research Center and is approximately 3 miles north and west of Leesburg in Section 17, Township 19 South, Range 24 East, Lake County. These parcels are over 8 miles from the Center's main farm laboratory and office facilities. Average appraised value is \$110,750. The privately-owned land consists of two parcels. One parcel of 94.91 acres is contiguous to the main farm of the Center and lies between the farm and Palatka River in Section 23, Township 20 South, Range 24 East. The second parcel contains 2.09 acres contiguous to the laboratory and office complex in Section 25, Township 20 South, Range 24 East, Lake County. Average appraised value is \$201,303.

The Board of Regents has recommended the proposed exchange as being in the best interest of the state due not only to an economic benefit of over \$90,000 but also advantages in consolidation of land holdings of the Agriculture Research Center, to allow expansion of the office and laboratory facilities to relieve a crowded condition, eliminate construction of extension fencing on the main farm area to protect from potential development and allow use of the river for irrigation.

Three appraisal reports have been submitted and reviewed by the staff appraiser who comments that the reports are reasonably consistent with respect to value range and the proposed exchange will be most favorable to the state. Exchange of Trustees' land for privately-owned land is provided for in Section 253.42, Florida Statutes, and conveyance of Trustees' land without reserving the statutory reservation of oil and minerals is permissible provided the land received in the exchange is without such reservation.

Recommend exchange of lands subject to G. W. Pringle being able to convey marketable title without reservation as evidenced by title insurance or complete abstract of title.

ACTION OF THE TRUSTEES:

Mr. Kuperberg noted that Mr. Pringle and his attorney were present.

On motion by Mr. Shevin, seconded by Mr. O'Malley and passed without objection, the Trustees approved the land exchange subject to the provision recommended by the staff.

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GULF OF MEXICO - Seismic Survey Permit (March 23, 1973)

APPLICANT: Geophysical Service, Inc., New Orleans, Louisiana
 REQUEST: Permission to conduct a seismic survey using air gun method.
 LOCATION: Five short lines extending from near shore outward to offshore boundary of state in the upper west coast area and one line parallel to shore from Florida-Alabama line east to near Fort Walton.

The Department of Natural Resources approved this proposed survey and on February 6, 1973, issued a permit for this operation in the offshore area.

Recommend issuance of permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Shevin, seconded by Mr. O'Malley and passed without objection, issuance of the seismic survey permit was approved by the Trustees.

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OKALOOSA, WALTON AND BAY COUNTIES - Seismic Survey Permit (March 5, 1973)

APPLICANT: Geophysical Service, Inc.
 New Orleans, Louisiana
 REQUEST: Permission to conduct a seismic survey using air gun method.
 LOCATION: Intracoastal Waterway from Fort Walton eastward to East Bay near Panama City with three lines of survey extending into the Gulf.

The Department of Natural Resources approved this proposed survey and has issued a permit for the operation.

Recommend issuance of the permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Shevin, seconded by Mr. O'Malley and passed without objection, issuance of the seismic survey permit was approved by the Trustees.

-7-

LEON COUNTY - Easement for Cable Television (March 23, 1973)

APPLICANT: Clearview Cable TV, Box 3172, Tallahassee, Florida
 REQUEST: Easement for location of cable TV cables and facilities on the Florida A & M University campus to serve the new apartment complex under construction.
 LOCATION: A portion of the Florida A & M University campus containing approximately 22 acres in Section 12, Township 1 South, Range 1 West, Leon County.

The Facilities Committee of the Board of Regents approved this request on March 2, 1973.

Recommend issuance of the easement for cable TV purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. O'Malley, the application for easement was approved.

After consideration of the following application, Mr. O'Malley questioned when this apartment complex would be completed, whether the commercial cable firm would pay for the easement

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and had made a firm commitment as to when the easement would be used.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the approving action was reconsidered and action deferred for thirty days at the Treasurer's request.

-8-

LEE COUNTY - Dredge Permit 253.123-1018
(Revised, January 26, 1973)

Consideration of this application was deferred on April 4 at the request of Mr. Conner because of a protest by Lee County Conservation Association.

APPLICANT: Charles C. Bundschu, Jr.
1550 Carson Street
Fort Myers, Florida 33902

PROJECT: To modify a permit approved by the Board of Trustees on November 29, 1972. A small channel extending to the west of the project has been eliminated.

LOCATION: Section 30, Township 43 South, Range 22 East, Pine Island, Lee County.

MATERIAL: 1,200 cubic yards of material to be excavated.

PAYMENT: The applicant proposes to deed 6.4 acres of land to the Trustees as payment for the material removed from state-owned bottom land.

STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - This department has no objection to the proposed project.

Game and Fresh Water Fish Commission - This agency concurs with the findings of the Department of Natural Resources.

Department of Pollution Control - Water quality certificate was issued on February 20, 1973.

Staff recommends modification of Permit 253.123-1018 as requested by the applicant subject to all stipulations of original permit.

ACTION OF THE TRUSTEES:

Mr. Kuperberg reported that Lee County Conservation Association had responded by letter to notification of this meeting but did not appear to be represented today. The staff's position remained unchanged, that no bulkhead line was required because the area was above the line of mean high water, the applicant's work is on low-lying upland, and the 6.4 acres to be deeded to the Trustees in exchange for the material dredged from the channel is the lowest land in the subject area.

Mr. Shevin mentioned several objections cited in the letter from the association. Mr. Kuperberg explained that as no filling below the line of mean high water was involved the staff felt that no bulkhead line was needed, the land has been surveyed and several field inspections made, satisfying the staff that the area was above mean high water. The Director said the applicant agreed to pay the difference if the appraisal of the 6.4 acres to be deeded to the state does not come up to \$1,200, the value of the material, but the staff thought the land was worth more than that.

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On motion by Mr. Stone, seconded by Mr. O'Malley and passed with Mr. Shevin voting "No", the staff recommendation was approved as the action of the Board.

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PALM BEACH COUNTY - Fill Permit No. 253.124-305

On April 4 at the request of Mr. Raphael Steinhardt, the Trustees deferred consideration of the application of the City of Lake Worth to fill submerged land in Sections 26 and 27, Township 44 South, Range 43 East, in Lake Worth, Palm Beach County. Noting the several deferrals in the past, the Governor indicated that the Board would take final action on April 17.

Those present included Mr. Steinhardt, Mr. Ronald C. LaFace representing the Town of Palm Beach, and Assistant County Attorney Sinclair representing Palm Beach County.

The Director said this was the second of two projects on land previously conveyed to the City of Lake Worth. Initially this area was to be used for a marina; now, a portion of it is to be filled and all environmental reports are adverse to filling in Lake Worth.

Motion was made by Mr. Stone, seconded by Mr. O'Malley, to deny the permit.

Mr. Steinhardt charged that the staff had inadequate records and had failed to place the application on the agenda as he had requested in June 1972, and charged that his request for deferral because of a religious holiday had been denied.

Motion was made by Mr. O'Malley, seconded by Mr. Stone and passed without objection, to defer consideration for two weeks, until the meeting scheduled for May 1.

-10-

POLK COUNTY - Dredge and Fill Permit No. 53-39-0377
(January 11, 1973)

APPLICANT: Mobil Chemical Company
Post Office Box 311, Nichols, Florida 33863

PROJECT: To construct a bypass channel (40' wide) to temporarily reroute the flow of the Peace River a distance of 200 feet and construct fill across the river for movement of dragline and to restore stream bed and flood plain. A similar project was conducted two years ago.

LOCATION: Section 14, Township 31 South, Range 25 East, Peace River, Polk County.

MATERIAL: 53,000 cubic yards to be excavated from the bypass channel and 8,000 cubic yards to be placed in the river and subsequently removed.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection to the proposal provided very strict turbidity controls are utilized and the area is restored to its natural condition.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The hydrographic effects of this project would be minimal provided the by-pass channel was designed so as not to alter the flow condition (volume flow rate, grade line) of the Peace River.

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Game and Fresh Water Fish Commission - This agency has no objection.

Department of Pollution Control - This agency has no objection.

NOTE: This item was withdrawn on April 4, 1973, and alternatives explored with the applicant. No feasible alternatives were found.

Staff recommends issuance of Permit No. 53-39-0377 subject to the stipulations of the environmental agencies.

ACTION OF THE TRUSTEES:

The staff had consulted with the firm's chief engineer and no alternative could be found for moving the machine across the river by the method requested.

The Trustees approved the permit with the recommended stipulations on motion made by Mr. Christian, seconded by Mr. Conner and passed with one negative vote by Mr. Stone, who suggested that the machinery might be dis-assembled for the move across the river.

-11-

ST. LUCIE COUNTY - Channel Maintenance Dredging
(June 19, 1972)

On January 3, 1973, this matter was considered at item #38.

The Board of Commissioners of the Fort Pierce Port and Airport Authority in meeting on June 13, 1972, adopted Resolution No. 72-8 which sets forth the Board's efforts to obtain a spoil area to accommodate the material to be removed in scheduled maintenance dredging in the existing channel and turning basin.

A portion of the material is suitable and will be placed on the South Beach in connection with the erosion control program. Due to the distance involved and the character of the material, it is not feasible to place all of the spoil on the beach. State and federal agencies, including the Florida Game and Fresh Water Fish Commission and the Federal Bureau of Sports Fisheries and Wildlife, have objected to the use of certain publicly-owned spoil areas. The Port Authority has proposed the use of Coon Island, a publicly-owned spoil island, and has proposed two privately-owned spoil areas as alternates, subject to the waiving of the 50 cents per cubic yard charge for sovereignty materials.

The Board of Commissioners requests waiver of the 50 cents per cubic yard charge for 100,000 yards of material to be placed on privately-owned uplands by the Corps of Engineers or its agents or contractors.

At the Trustees meeting on November 29, 1972, the Authority withdrew its recommendation of Coon Island as a publicly-owned spoil site. Trustees' staff was directed to review its recommendation in light of this new development.

Additional field studies were requested of the environmental agencies. No suitable public site, other than Coon Island, could be located.

Mr. Randolph Hodges has requested the Trustees' reconsideration of this matter. Trustees' staff remains of the opinion that practical alternatives exist, such as (1) the placement of the least useful portion of the fill on the publicly-owned Coon Island, (2) the payment could be considered as a cost of port operation and be provided by the Port Authority.

Staff recommends that the portion of the projects spoil which is unsuitable for beach nourishment be placed upon private

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uplands after adequate dikes and sedimentation controls have been installed and upon payment of up to 50¢ per cubic yard for such quantity as is deposited upon the private uplands, and determined to be of use to the private owner, based on the difference between appraisals to be conducted before and after spoiling takes place.

ACTION OF THE TRUSTEES:

In the judgment of the staff the applicant had not actively pursued an attempt to work toward the end recommended by the staff and approved by the Board on January 3, 1973, The Director felt it would be bad precedent to allow material to be deposited on private property without payment. The staff was trying to adhere to a policy that the state must be paid for dredged material placed on private property.

In the discussion it was stated that the private owner had not asked for and was not willing to pay for the material of uncertain quality, maintenance must take place, and although the Director had gone to great lengths to resolve the problem there appeared to be no viable alternative. This was a unique situation, deposit of material in open waters was not recommended and to continue delaying would further increase the erosion problem south of the Fort Pierce Inlet.

Senator Randolph Hodges, Executive Director of the Department of Natural Resources, had asked for reconsideration because of the erosion of the beach on which the suitable portion of the dredged material would be placed.

Governor Askew summed up by stating that the port serves a public purpose, there was an erosion problem, there had to be a balancing of equities and it was not realistic to require the Port Authority to pay for the material dredged in a channel maintenance project as a cost of doing business.

Statements supporting the request for waiver of payment were made by Mr. Edward G. Enns and Mr. Weldon B. Lewis on behalf of Fort Pierce Port and Airport Authority.

Motion was made by Mr. Christian, seconded by Mr. O'Malley and passed without objection, that the Trustees approve the permit and waive payment for the material dredged in channel maintenance by this public agency in consideration of the peculiar circumstances and beach erosion problem.

-12-

DADE COUNTY - Proposed Settlement - Case No. 69-5258
(April 10, 1973)

APPLICANT: Interama
Post Office Box 4628
Miami Lakes, Florida 33014

PROJECT: Interama has offered to convey a strip of mangrove land on the easterly side of the Interama Center to the Board of Trustees as consideration for the \$173,000 owed to the Board. This conveyance will contain a reverter clause and will be subject to reservations for utility and mass transportation easements. In exchange for the deed the Board of Trustees would stipulate to a settlement in the pending law suit styled as Interama vs. Florida National Bank and Trust Company, Case No. 69-5258, which is expected to be heard on May 3, 1973, at 3:30 p.m., Judge Jack Falk's Division, Circuit Court of Dade County.

LOCATION: Part of Sections 14, 15 and 23, Township 52 South, Range 42 East, Dade County.

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STAFF

REMARKS: Representatives of the environmental agencies have reviewed this proposed settlement and have indicated that acceptance by the Board of Trustees is the best way to protect this valuable strip of mangrove land.

Staff recommends that the offer by Interama to convey the strip of mangrove lands be accepted as satisfaction of the \$173,000 debt owed the Board of Trustees and that the Trustees stipulate to a settlement in the pending law suit, Case Number 69-5258, Circuit Court of Dade County.

ACTION OF THE TRUSTEES:

At the Director's request the location shown on the agenda was corrected to "Part of Sections 14, 15 and 23, Township 52 South, Range 42 East, Dade County."

Mr. Elton J. Gissendanner, Chairman of Interama, present at the meeting, was thanked for this settlement of a long-standing debt and law suit.

On motion by Mr. Christian, seconded by Mr. Shevin and passed with Mr. O'Malley voting in the negative, the staff recommendation was approved as the action of the Board.

-13-

BROWARD COUNTY - Artificial Reef Time Extension,
Permit No. 2329
(December 27, 1972)

APPLICANT: Broward Artificial Reef, Inc.
c/o G. E. Hartwig
220 Southeast Twelfth Street
Fort Lauderdale, Florida 33316

PROJECT: To extend Artificial Reef Permit No. 2329 for three years.

LOCATION: 1,800 yards offshore from and parallel to Fort Lauderdale beaches. Water depths in the reef area average 60 to 70 feet Mean Low Water.

MATERIAL: Automobile tires compressed and packed into units of 12 to 15 tires each.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection to time extension of the artificial reef permit.

ECOLOGICAL

RESPONSES: Department of Natural Resources - This project should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - This agency has no objection to the time extension.

Department of Pollution Control - This department has no objection to the time extension.

Staff recommends extension of Artificial Reef Permit No. 2329 for three years.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Board approved extension of the artificial reef permit for three years.

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BROWARD COUNTY - Fill and Construction Permit No. 06-39-0380
(February 7, 1973)

APPLICANT: Luis J. Echarte
c/o McLaughlin Engineering Co.
400 NE Third Avenue
Ft. Lauderdale, Florida 33301

PROJECT: To construct a bulkhead to fill a gap between existing bulkheads.

LOCATION: Section 1, Township 49 South, Range 42 East,
Old Pompano Canal, Broward County.

MATERIAL: Approximately 150 cubic yards of fill will be hauled in.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection to the proposed seawall provided fill is trucked in after completion of the seawall.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The placement of this bulkhead should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - Deferred to the Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Permit No. 06-39-0380.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the Board approved issuance of Permit No. 06-39-0380.

-15-

DUVAL COUNTY - Fill Permit No. 16-11-0253
(January 22, 1973)

APPLICANT: City of Jacksonville
c/o Ken MacLean
101 East Adams Street
Jacksonville, Florida 32202

PROJECT: To construct a boat ramp and pier in Fishing Creek.

LOCATION: Section 42, Township 35 South, Range 26 East,
Fishing Creek, Duval County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations has no objection to the proposed project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The revised plan should have only limited adverse effects on aquatic biological resources. Runoff from the proposed parking lot should be passed over a vegetated span of land between the lot and the creek or passed through a settling basin to remove silt and other sediments.

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Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends approval of Permit No. 16-11-0253 subject to the stipulations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Conner and passed without objection, the Board approved issuance of the permit subject to the stipulations recommended by the environmental agency.

-16-

DUVAL COUNTY - Extension of Dredge Permit No. 253.123-535

APPLICANT: Jacksonville Shipyards, Inc.
Post Office Box 2347
Jacksonville, Florida

PROJECT: To conduct maintenance dredging previously authorized under Permit No. 253.123-535 which will expire on April 24, 1973. Spoil is to be deposited in the open water spoil area at Grassy Point. The applicant has not yet obtained a Corps of Engineers permit nor done the work. A 90-day extension of the State Permit is requested.

LOCATION: Township 2 South, Range 26 East, St. Johns River, Duval County.

STAFF

REMARKS: Staff is recommending this permit extension, but reaffirming the Trustees' position that no spoiling will be authorized in the open water spoil area at Grassy Point after December 31, 1973.

Staff recommends extension of Permit No. 253.123-535 for a period of 90 days.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, extension of the permit for 90 days was approved.

-17-

ESCAMBIA COUNTY - Construction Permit No. 17-39-0471
(February 14, 1973)

APPLICANT: City of Pensacola
c/o Col. Richard V. Hale, Port Manager
Post Office Box 889
Pensacola, Florida 32502

PROJECT: To replace a deteriorated timber bulkhead and wharf.

LOCATION: Township 2 South, Range 30 West, Pensacola Bay, Escambia County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection to the proposed work.

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ECOLOGICAL

RESPONSES: Department of Natural Resources - This project should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This agency has no objection to the proposed project.

Staff recommends issuance of Construction Permit No. 17-39-0471.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Conner and passed without objection, the Trustees approved issuance of the permit.

-18 and 19-

GILCHRIST COUNTY - Fill Permits and Seawall Construction

18. FILL PERMIT NO. 21-39-0206E (March 19, 1973)

APPLICANT: Eli Read
Post Office Box 67
Trenton, Florida 32693

19. FILL PERMIT NO. 21-39-0649E

APPLICANT: W. F. Powers
Post Office Box 1311
Clearwater, Florida 33517

PROJECT: To construct a vertical, corrugated asbestos seawall and place fill behind the wall.

LOCATION: Section 25, Township 9 South, Range 13 East, Suwannee River, Gilchrist County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: The applicant started construction of a corrugated asbestos seawall and was asked to cease work by the Trustees' Field Operations Division. The staff conducted a survey which showed the seawall location to be below the average high water line of the Suwannee River. The applicants have applied to complete the seawall under the Trustees' Exemption Rule. The Field Operations Division recommends denial of the application and, further, that the applicants reapply for a sloping riprap bulkhead at the existing shoreline.

Staff recommends denial of Application Nos. 21-39-060E and 21-39-0649E, and that the staff be authorized to seek removal of that portion of the seawall previously constructed.

ACTION OF THE TRUSTEES:

Mr. Kuperberg exhibited a survey map of the two adjacent properties, pointing out that the new seawall was riverward of two old seawalls. He said the new construction was on the bottoms of the river below the ordinary high water mark according to information from the Department of Natural Resources, the Corps of Engineers and the staff survey. Apparently the applicants had made an honest mistake but the staff did not feel it could recommend a permit that far riverward and hoped to protect the Suwannee River from vertical seawalls such as had affected the Miami River.

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Mr. O'Malley said he needed to see pictures of the properties adjoining the subject area and suggested deferral for obtaining an aerial photograph.

Mr. Eli Read, exhibiting pictures and answering questions, emphasized need for the seawall to protect a house now only three feet from the washout and affirmed that the seawall was constructed within their ownership as described by government survey deed and four feet landward of the water's edge when they began construction.

Mr. W. F. Powers, adjacent applicant, told of trying to protect a 200-year old tree on the washed-out bank and he and Mr. Read objected that riprap was not suitable, that it had been tried at the Hart Springs Park and had to be changed to vertical seawall to protect that property.

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees overruled the staff recommendation and granted permits for the seawall construction as requested by these two applicants.

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PALM BEACH COUNTY - Dredge Permit No. 50-22-0446
(February 7, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida

PROJECT: To construct two outfalls to direct drainage
from I-95 into Lake Osborne.

LOCATION: Section 28, Township 44 South, Range 43 East, Lake
Osborne, Palm Beach County.

MATERIAL: Total of 90 cubic yards of material removed below
the line of mean high water, 55 cubic yards from
outfall No. 1 and 33 cubic yards from Outfall No. 2
to be placed on adjacent Department right of way.

PAYMENT: Not applicable. Material to be placed on state-owned
lands.

STAFF

REMARKS: Field Operations Division has no objection to this
project provided both Department of Natural Resources
and Department of Pollution Control approve.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - Deferred to Game
and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - Roadway runoff
is known to contain various pollutants. Therefore,
in order to minimize the entrance of roadway con-
taminants into the lake, roadway drainage should be
directed over grass areas or passed through sand filters.

Department of Pollution Control - Certification will
not be required for the subject project, but the
applicant is cautioned that any discharge that would
directly or indirectly affect water quality in the
adjacent waterway in such a manner as to exceed the
limitations of various constituents for such waters,
as prescribed in Chapter 17-3, Florida Administrative
Code, is a violation of the water quality standards of
the State of Florida.

Staff recommends approval of Permit No. 50-22-0446, subject to the
stipulations of the Florida Game and Fresh Water Fish Commission
and the Department of Pollution Control.

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ACTION OF THE TRUSTEES:

Mr. Christian made a motion to approve the staff recommendation and accepted Mr. O'Malley's amendment to include the requirement that the Department of Transportation use grass beds in conjunction with a settling pond to prevent further degradation of the lake waters. With this amendment, Mr. O'Malley seconded the motion.

Mr. Tom Russo, engineer of rights of way for the Department of Transportation, stated that the department did respond to the Game and Fresh Water Fish Commission and indicated that the roadway runoff will be directed over grass areas prior to being drained into Lake Osborne. On February 1, 1973, the Commission removed its objections by letter.

Mr. O'Malley said the inclusion of the settling pond with the grassy beds was consistent with the Board's policy to prevent further degradation of fresh water bodies, if possible.

On the motion as amended and passed without objection, the Trustees accepted the staff recommendation for approval of the permit with the additional requirement that the water be flushed not only across grass beds but also through a settling pond before draining into Lake Osborne.

Governor Askew stated that runoff waters should be treated by directing roadway drainage over grass areas and sand filters to remove pollutants.

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ST. LUCIE COUNTY - Dredge Permit No. 253.123-1118
(Revised January 29, 1973)

APPLICANT: Bryn Mawr Group, Inc.
2755 East Oakland Park Avenue
Ft. Lauderdale, Florida 33306

PROJECT: To dredge a marina channel in an existing 5-foot deep upland boat basin and connect it to the Indian River by two 50-foot wide, 5-foot deep channels.

LOCATION: Section 10, Township 34 South, Range 40 East, Indian River, St. Lucie County.

MATERIAL: 2,970 cubic yards to be removed from applicant's upland.

PAYMENT: Not applicable. State-owned submerged lands not involved.

STAFF
REMARKS: No objection provided the shoreline between the upland excavation and the Indian River will remain in its natural state as stipulated by applicant.

ECOLOGICAL
RESPONSES: Department of Natural Resources - To compensate for the elimination of red mangroves, the applicant should remove the fill (dike) placed along the west side of the marina basin, thereby expanding the tidal zone and providing substrate for red mangrove growth.

Game and Fresh Water Fish Commission - No objection provided: (1) Spoil and debris placed along the shoreline of section A-A during construction of the upland boat basin be pulled back away from the vegetation line and be graded into a gradual slope; (2) To improve water quality conditions and provide for the establishment of a biologically productive area within the basin, we recommend that an intertidal berm approximately 15 feet wide be established along

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the inner shore of section A-A. This berm should be planted with red mangroves or other appropriate aquatic vegetation. Dockage could be provided waterward of this berm with access to the land by walkways.

Department of Pollution Control - No objection.

OTHERS: The applicant agrees to comply with the recommendation of the Department of Natural Resources and the Game and Fresh Water Fish Commission. In addition, he agrees to remove the dike on the westward shore of the marina basin and to slope this shore to provide the 15 foot berm recommended by the Game and Fresh Water Fish Commission.

Staff recommends approval of Permit No. 253.123-1118 subject to the stipulations of the environmental agencies.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation was accepted as the action of the Board.

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SANTA ROSA COUNTY - Construction Permit No. 57-39-0610
(November 2, 1972)

APPLICANT: Robert D. Hinson
216 South Tarragona Street
Pensacola, Florida 32501

PROJECT: To construct four groins 140 feet long perpendicular to the shoreline.

LOCATION: Section 10, Township 1 South, Range 28 West, Escambia Bay, Santa Rosa County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection to the construction of the groins.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Bureau of Beaches and Shores - It is recommended that the height of the proposed groins be no more than two feet above the existing grade over the entire length of the groins.

Survey and Management - The construction should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - Not applicable.

Staff recommends issuance of Permit No. 57-39-0610 subject to the stipulation of the Bureau of Beaches and Shores.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation was accepted as the action of the Board.

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VOLUSIA COUNTY - Fill Permit No. 64-12-0070
(August 14, 1972)

APPLICANT: C. T. Householder
c/o Stepp and Upham
137 Sunrise Boulevard
Daytona Beach, Florida 32018

PROJECT: To reclaim a strip of land 106 feet in length and extending 12-18 feet offshore from mean high water line by constructing a vertical wall connecting to existing seawall. Riprap will be placed along the waterward side of the wall.

LOCATION: Government Lot 2, Section 28, Township 13 South, Range 32 East, Volusia County.

MATERIAL: No dredging required. Fill material only back of wall.

PAYMENT: None.

STAFF

REMARKS: Field Operations Division recommends issuance of the permit.

ECOLOGICAL

RESPONSES: Department of Natural Resources - "To partially compensate for productive aquatic habitat that would be lost by the proposed location of the seawall, riprap should be placed along the waterward side of the seawall."

Game and Fresh Water Fish Commission - "Because of the highly productive nature of this area, we recommend that riprap be used instead of a concrete vertical seawall and that it be placed landward of the mean high water line. Absolutely no spoil should be placed below this line. It is our opinion that environmental damage will be minimal if these stipulations are followed. If these are acceptable to the applicant, we recommend that a permit be issued."

Department of Pollution Control - No objection.

OTHERS: City of Ormond Beach issued construction permit June 30, 1972.

Staff recommends issuance of Permit No. 64-12-0070.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation was accepted as the action of the Board.

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VOLUSIA COUNTY - Fill Permit No. 64-14-0294
(December 8, 1972)

APPLICANT: Harry F. Bartholomew
930 Lemon Road
South Daytona, Florida 32019

PROJECT: To construct a bulkhead 100 feet long, along an existing canal connecting existing bulkhead, and to backfill tidal bottoms landward of the proposed bulkhead.

LOCATION: Section 8, Township 17 South, Range 34 South, Canal Calore, Volusia County.

MATERIAL: Not applicable.

April 17, 1973

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations Division recommends approval of the proposed project.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Although the proposed bulkhead and fill area is relatively small, the cumulative effect of such projects throughout the state constitutes a substantial loss of estuarine habitat. To conserve shallow bottoms and tidal vegetation, the proposed seawall should be relocated to coincide more closely with the existing mean high water line.

Game and Fresh Water Fish Commission - This agency has no objection to the project.

Department of Pollution Control - It is the recommendation of this department that the proposed bulkhead be of a sloping rip-rap type and tie into the existing bulkhead. Upon receipt of revised drawings, the application will be processed accordingly.

NOTE: The applicant was advised of the Department of Natural Resources and the Department of Pollution Control recommendations. He has requested that the application be presented for consideration as originally submitted.

Staff recommends approval of Permit No. 64-14-0294 with riprap to be placed along waterward face of the seawall.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone on the basis of sloping riprap tied into the existing bulkhead. Mr. Christian seconded the motion.

Without objection, the motion passed.

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VOLUSIA COUNTY - Fill Permit No. 64-13-0302
(December 15, 1972)

APPLICANT: Georges C. St. Laurent
200 Marvin Avenue
Longwood, Florida 32750

PROJECT: To construct a bulkhead approximately 133 feet long, replacing a collapsed bulkhead and connect with existing bulkheads, and to repair an existing concrete pier.

LOCATION: Section 12, Township 12 South, Range 31 East, Intracoastal Waterway, Flagler County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations Division has no objection, as there is a serious erosion problem and there will be minimal environmental consequences.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed bulkhead construction should not significantly affect biological resources in Indian River North. Rubble riprap placed on the waterward side of the bulkhead would help dissipate wave energy and provide better habitat for marine life than would a vertical seawall.

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Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

NOTE: The applicant has agreed to construct his bulkhead of riprap or to place riprap along the waterward side of the wall.

Staff recommends issuance of Fill Permit No. 64-13-0302 provided riprap is placed along the waterward side of the seawall or the seawall is of riprap construction.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation was approved as the action of the Board.

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VOLUSIA COUNTY - Marina License and Construction Permit
No. 64-30-0350
(January 15, 1973)

APPLICANT: Indian River Prestressed Concrete
c/o Gregg, Gibson & Gregg, Inc.
Post Office Box 7, Oak Hill, Florida 32759

PROJECT: To construct a 228 foot concrete loading and unloading pier.

LOCATION: Sections 13 and 14, Township 18 South, Range 34 East, Indian River, Volusia County.

MATERIAL: Not applicable.

PAYMENT: \$182 annual fee.

STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed pier construction should not significantly affect marine biological resources.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the project.

Staff recommends issuance of Marina License and Construction Permit No. 64-30-0350.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation was approved as the action of the Board.

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DUVAL COUNTY - Marina License and Construction Permit
No. 16-30-0374
(January 17, 1973)

APPLICANT: Ortega Development Company
c/o Waverly J. Ray and Associates
38 East 17 Street, Jacksonville, Florida 32210

April 17, 1973

PROJECT: To construct two T-shaped piers, each extending 207 feet into the Cedar River.

LOCATION: Section 42, Township 3 South, Range 26 East, Cedar River, Duval County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF
REMARKS: Field Operations Division has no objection to this proposed project.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The construction of the proposed docks and piers should not have significant adverse effects on marine biological resources in the river.

Game and Fresh Water Fish Commission - This agency has no objections to the proposed project.

Department of Pollution Control - This department has no objections to the proposed project.

Staff recommends issuance of Marina License and Construction Permit No. 16-30-0374.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation was approved as the action of the Board.

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DUVAL COUNTY - Marina License and Construction Permit
No. 16-30-0388
(February 6, 1973)

APPLICANT: Mathias Roland
c/o Harbor Engineering Company
1615 Huffingham Lane
Jacksonville, Florida 32216

PROJECT: To construct approximately 285 lineal feet of dock from an existing seawall.

LOCATION: Section 38, Township 1 South, Range 29 East, Mayport, St. Johns River, Duval County.

MATERIAL: Not applicable.

PAYMENT: \$189.88 annual fee.

STAFF
REMARKS: Field Operations Division has no objection to the proposed dock.

ECOLOGICAL
RESPONSES: Department of Natural Resources - This department has no objection.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This department has no objection.

Staff recommends issuance of Marina License and Construction Permit No. 16-30-0388.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation was approved as the action of the Board.

Responding to the Attorney General's inquiry about changing the marina schedule, Mr. Kuperberg said he received a copy of the proposed new marina rules on April 14, was concerned about a complicated procedural portion that might place quite a burden on the staff, and when Mr. Sherman Weiss, staff counsel, was able to return to work after being in the hospital, Mr. Kuperberg felt sure the new rules would soon be ready for consideration by the Trustees.

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MARINA LICENSE RENEWALS

Requests have been submitted for renewal of the following marina licenses and construction permit:

1. LEE COUNTY - Marina License Renewal and Extension of Construction Permit No. ML-88 (February 9, 1973)

U. S. Department of the Interior
Bureau of Sport Fisheries and Wildlife
Peachtree - Seventh Building
Atlanta, Georgia 30323

To renew ML-88 for one year and extend Construction Permit 2145 for one year.

Section 21, Township 46 South, Range 23 East, San Carlos Bay at Point Ybel, Lee County.

Since the permit has expired and no work has been done, Field Operations Division recommends extension of the permit.

Staff recommends renewal of ML-88 and one-year extension of CP-2145 with waiver of the fee.

2. DADE COUNTY - Marina License Renewal No. ML-107 (February 5, 1973)

Metropolitan Dade County
c/o Public Works Department
50 Southwest 32 Road
Miami, Florida 33129

To renew ML-107 for one year.

Section 23, Township 52 South, Range 42 East, Haulover Beach Park marina, Dade County.

Field Operations Division reports that the work was completed in accordance with the permit.

Staff recommends renewal of ML-107 with waiver of the fee.

3. OKALOOSA COUNTY - Marina License Renewal No. ML-118 (March 5, 1973)

American Marine Repair Facilities, Inc.
330 Racetrack Road
Fort Walton Beach, Florida

To renew ML-118 for one year.

Township 2 South, Range 23 West, Joe's Bayou, Okaloosa County

\$100 minimum annual fee received.

Field Operations Division has no objection to the marina license being renewed.

Staff recommends renewal of ML-118 for one year.

4. VOLUSIA COUNTY - Marina License Renewal No. ML-109
(February 26, 1973)

Daniel Amster and Ralph Antonelli
137 Sunrise Boulevard
Daytona Beach, Florida

To renew ML-109 for one year.

Section 37, Township 15 South, Range 33 East, Halifax River,
Volusia County.

\$100 minimum annual fee received.

Field Operations Division reports that the construction was
carried out in accordance with the approved plans.

Staff recommends renewal of ML-109 for one year.

5. PINELLAS COUNTY - Marina License Renewal No. ML-23 and
Change of Title (April 2, 1973)

Stowaway Marina, Inc., c/o John T. Ware
55 Fifth Street, South
St. Petersburg, Florida 33701

To renew ML-23 for one year and change the title from
Stowaway Marina, Inc., to Stowaway Cove Corporation.

Section 25, Township 31 South, Range 15 East, Boca Ciega
Bay, Pinellas County.

\$200 submitted for delinquent annual fee for 1972 and
this year's annual fee.

Field Operations Division reports that construction
was carried out as stipulated in the original permit.

Staff recommends renewal of ML-23 for one year and approval
of change of title to Stowaway Cove Corporation.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed
without objection, the Board approved the five requests for
renewal of marina licenses (and construction permit extension
in the first instance) and authorized renewal of each for one
year. On the same motion the Board approved change of title as
requested for License No. ML-23.

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Public Hearing to incorporate emergency rules adopted February 6,
1973, into the Florida Administrative Code as permanent rules
governing time for submitting permit items for consideration of
the Trustees, permit procedures, and exemptions from some of the
procedures for projects below a certain size and cost.

Pursuant to public notice published April 2, 1973, and copies of
the proposed rules mailed to individuals requesting to be on
the mailing list, in compliance with Chapter 120, Florida
Statutes, hearing is to be given interested or affected parties
prior to adoption of the permanent rules. The rules may be adopted
with revisions after the hearing and filed with the office of the
Secretary of State to become operative immediately upon filing.
The emergency rules expire May 15, 1973, and permanent rules
should be adopted no later than the first meeting in May.

April 17, 1973

ACTION OF THE TRUSTEES:

Mr. O'Malley made a motion, seconded by Mr. Stone, to adopt the rules.

Mr. Larry Brown, representing Florida Engineering Society, said they had not received word of this hearing until two days ago and asked for delay until the next meeting of the Trustees.

The Attorney General said that as the emergency rules were in effect until May 15, the public hearing could be held at the next meeting on May 1.

Mr. Stone made a substitute motion, seconded by Mr. O'Malley and passed without objection, to reconsider and postpone action until the next meeting.

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DIXIE COUNTY - Federal Surplus Property

This is placed on an addendum at the request of the Governor.

On February 6, 1973, the Board adopted a resolution for sub-mission to the United States Department of Health, Education and Welfare in support of the application by the Department of Health and Rehabilitative Services to acquire approximately 19.6 acres of surplus federal land at the Cross City Air Force Radar Station.

Subsequently, the United States has made available as surplus 22 buildings located at the Cross City Air Force Radar Station which the Department of Health and Rehabilitative Services has determined can be utilized by the Division of Corrections in converting a portion of this military installation into a minimum or medium custody institution to relieve the critical situation of inmate housing. The buildings are located on land which will be leased by the Department from Dixie County.

Application by the Department must be submitted to the United States accompanied by a resolution executed by the Board of Trustees, designating Mr. Emmett Roberts, Secretary of the Department of Health and Rehabilitative Services, to act on behalf of the Board of Trustees in doing all things necessary to secure the transfer of these buildings to the state.

Funds of the Trustees will not be involved in this transaction.

Recommend execution of the resolution.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and Mr. O'Malley and passed without objection, approving execution of the resolution.

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ESCAMBIA COUNTY - Dredge Permit No. 17-21-0470
(February 14, 1973)

APPLICANT: City of Pensacola
c/o Col. R. V. Hale, Port Manager
Post Office Box 889
Pensacola, Florida 32502

PROJECT: To dredge adjacent to the existing port facilities to restore original design depths and provide a barge basin.

LOCATION: Township 2 South, Range 30 West, Pensacola Bay, Escambia County.

April 17, 1973

MATERIAL: Approximately 60,000 cubic yards of material to be placed on spoil areas which are to be used for dredging the Inner Harbor and Approach Channels by the U. S. Government.

PAYMENT: Not applicable. Spoil to be placed on publicly-owned land.

STAFF

REMARKS: Field Operations: Recommends denial of the permit unless the applicant agrees to use an upland spoil site.

ECOLOGICAL

RESPONSES: Department of Natural Resources - To properly protect shallow, productive bottoms in the bay system, dredged spoil from the maintenance project should be placed on diked upland property or dumped within the offshore disposal area in the Gulf of Mexico.

Game and Fresh Water Fish Commission - Deferred to the Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed dumping but will object to any additional spoiling in open water areas.

Staff recommends approval of Permit No. 17-21-0470 subject to the use of an adequately-diked upland spoil site.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation was approved as the action of the Trustees.

On motion duly adopted, the meeting was adjourned.



GOVERNOR - CHAIRMAN

ATTEST:



EXECUTIVE DIRECTOR

* * * * *

Tallahassee, Florida
May 1, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

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Without objection, the minutes of the meeting on April 4, 1973, were approved as submitted.

May 1, 1973

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HOLMES COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Sonat Exploration Company
Post Office Box 1513, Houston, Texas 77001

REQUEST: Consideration of sealed oil and gas lease bids.

LOCATION: Ponce de Leon State Park consisting of 370 surface acres and 276.56 net mineral acres in Sections 27 and 34, Township 4 North, Range 17 West, Holmes County.

INTEREST OF STATE: The Trustees hold title to this tract which is leased to Department of Natural Resources. All proceeds from the proposed lease will go to that department.

The five-year lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/6 royalty and at least one test well every 2½ years, drilled to a depth of 6,000 feet or to a depth sufficient to test Jurassic sediments, whichever is deeper, accomplished by pooling as drilling on the leased property will be prohibited.

On March 20, 1973, the Trustees authorized advertising the land for sealed bids. Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and Holmes County Advertiser with bids to be opened at 10:00 a.m. (EDST) on May 1, 1973, for consideration by the Trustees. The right to reject any or all bids is reserved.

Before lease can be issued, it is necessary to hold a public hearing to allow interested persons to be heard with respect to issuance of lease. The hearing is required by Section 253.52, Florida Statutes, when a lease area lies within a radius of three miles of the boundary of any incorporated city or town. The corporate boundary of Ponce de Leon lies within three miles of the lease area.

Recommend that James T. Williams of the Trustees' staff be designated to conduct the public hearing pursuant to law and report to the Trustees the results of the hearing.

ACTION OF THE TRUSTEES:

Mr. James T. Williams of the Land Records Division of the Trustees' office reported that in response to the advertised call for bids, one bid was received. Sonat Exploration Company of Houston, Texas, bid \$4,566.01 for the oil and gas drilling lease, which represents a bonus of \$15.51 per acre.

Mr. Williams advised that there will be no drilling allowed within the park.

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees received the bid from Sonat Exploration Company as the high bid and authorized the public hearing required by law.

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GULF COUNTY - Seismic Survey Permit
(April 3, 1973)

APPLICANT: Geophysical Service, Inc.
New Orleans, Louisiana

REQUEST: Permission to conduct a seismic survey using air gun method. No explosives will be used.

LOCATION: Chipola River from Dead Lakes south to the Apalachicola River in Gulf County.

May 1, 1973

This survey will be conducted using several small boats and air guns as the energy source.

The Department of Natural Resources, Division of Interior Resources and Game and Fresh Water Fish Commission have reviewed this request and offer no objections.

Recommend issuance of permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Dickinson, and passed without objection, the Trustees authorized issuance of the permit to Geophysical Service, Inc.

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ESCAMBIA, SANTA ROSA AND OKALOOSA COUNTIES - Seismic Survey
Permit
(April 17, 1973)

APPLICANT: Shoreline Geophysical Services, Inc.
Houston, Texas

REQUEST: Permission to conduct a seismic survey using air gun method.

LOCATION: A portion of the Intracoastal Waterway in Pensacola Bay and a line through East Bay, Blackwater Bay, Blackwater River and Choctawhatchee Bay.

The Department of Natural Resources has approved this proposed survey and has issued Permit No. 131 for the operation.

Recommend issuance of permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Dickinson, and passed without objection, the Trustees authorized issuance of the permit to Shoreline Geophysical Services, Inc.

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HILLSBOROUGH COUNTY - Murphy Act Conveyance
(April 13, 1973)

APPLICANT: City of Plant City
represented by Paul S. Buchman, City Attorney
Post Office Box 5, Plant City, Florida 33566

REQUEST: To purchase a parcel of land described as follows:
East 52.5 feet of West 105 feet of Lot 1, Wedge
Block Revised Map of Plant City, according to plat
thereof recorded in Plat Book 1, Page 16 of the Public
Records of Hillsborough County, Florida.

OFFER: \$1,600, value determined by staff appraiser.

PURPOSE: Offstreet parking facility.

Recommend issuance of a deed to the City of Plant City under Section 197.350 (1) (b), without advertisement and public sale, for the appraised price of \$1,600.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Dickinson and passed without objection, the staff recommendation was approved as the action of the Board.

May 1, 1973

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DADE COUNTY - Road Right of Way Easement
(March 5, 1973)

APPLICANT: Department of Transportation
Represented by J. E. Greiner Company, Inc.
Tampa, Florida

REQUEST: Easement across two parcels of land totaling 2.012 acres in the northwest corner of the Florida International University for access ramp purposes to the Homestead Extension of the Florida Turnpike, Dade County.

PAYMENT: \$32,200 approved by staff appraiser.

The Board of Regents Facilities Committee on February 9, 1973, reviewed and approved the easement.

Recommend issuance of the easement to the Department of Transportation for public road purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Dickinson and passed without objection, the Trustees authorized issuance of the easement for public road purposes only.

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JACKSON COUNTY - Dedication for Sewage Treatment Facility

APPLICANT: Town of Sneads

REQUEST: Relocation of the 30-acre site dedicated by the Trustees on February 20, 1973, to the Town of Sneads for a sewage treatment facility on lands of the Apalachee Correctional Institution.

LOCATION: New location is the East 1,279.5 feet of the North 1,062.88 feet of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, Township 4 North, Range 7 West, Jackson County, containing 31.22 acres on lands of the Apalachee Correctional Institution.

Following approval by the Board of Trustees on February 20 of a 30-acre site in Section 3, Township 3 North, Range 7 West, adjoining property owners objected to this location of a treatment facility fearing it would depreciate the value of their property.

The Department of Pollution Control has reviewed and recommends the new site location as acceptable for present and future needs. The Department of Health and Rehabilitative Services has approved the new site. No objections to this site have been received by the Town or the Department.

Recommend amending the Trustees' action on February 20 as to the location of the treatment facility by substituting the 31.22-acre site in Section 35, Township 4 North, Range 7 West, Jackson County, for the formerly approved site.

ACTION OF THE TRUSTEES:

On motion by Mr. Shevin, seconded by Mr. Christian and Mr. Stone, and passed without objection, the staff recommendation was approved as the action of the Trustees.

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POLK COUNTY - Electric Power Line Easement

APPLICANT: Florida Power Corporation
St. Petersburg, Florida

May 1, 1973

REQUEST: Easement to improve electric service to the Frostproof Fire Tower Site of the Department of Agriculture and Consumer Services, Division of Forestry.

LOCATION: A seven-foot wide easement across the west 15 feet and north 10 feet of the west 75 feet of the south 238.71 feet of the west 208.71 feet of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, Township 31 South, Range 27 East, less the south 30 feet, Polk County.

The Division of Forestry has reviewed and approved the issuance of the easement requested.

Recommend issuance of easement for electric distribution purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Shevin, seconded by Mr. Christian and Mr. Stone, and passed without objection, the Trustees authorized issuance of the easement to Florida Power Corporation for electric distribution purposes only.

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PATENTS, COPYRIGHTS AND TRADEMARKS - State Department of Education
(This matter also appears on the Board of Education agenda this date.)

APPLICANT: Division of Vocational, Technical and Adult Education
State Department of Education

REQUEST: Execution of a proposed contract with Education Achievement Corporation, a Texas corporation located at Waco, Texas, for the purpose of publishing certain educational material.

The P. K. Yonge Laboratory School, University of Florida, has developed a set of instructional materials called The Values Approach to Career Education under a special grant with the Vocational Education Division.

It is the desire of the Department of Education to publish and distribute this material to all school districts in Florida by September 1973. The University of Florida Press cannot perform this service. The Department of Education therefore desires to publish through a commercial firm. Complete bidding procedures for publications have been followed. Commissioner of Education Floyd Christian appointed a proposal review team to review publishers and recommend one which would be most satisfactory to the state. Education Achievement Corporation was the unanimous choice of the review team.

Under the proposed contract the state would receive a 6% royalty of the net selling price of all copies of the material published, plus 95 sets of the instructional materials. Copyright would be assigned to Education Achievement Corporation as the publisher.

Staff legal counsel has reviewed the proposed contract and advises that there is no legal impediment to its execution by the Trustees in the exercise of powers granted them by Chapter 286, Florida Statutes.

Recommend execution of proposed contract with Education Achievement Corporation if approved by the Board of Education.

ACTION OF THE TRUSTEES:

On motion by Mr. Shevin, seconded by Mr. Christian and passed without objection, the Trustees approved execution of the proposed contract that had been approved on this date by the Board of Education.

May 1, 1973

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PALM BEACH COUNTY - Assignment of Lease No. ML-3C
(April 18, 1973)

APPLICANT: Old Port Cove Marina
Post Office Box 2201, Palm Beach, Florida 33480

PROJECT: To assign Lease No. ML-3C, previously issued to Old Port Cove Marina, to the Greater Florida Investment Company and Acer Holdings Limited.

LOCATION: Section 9, Township 42 South, Range 43 East, Palm Beach County.

Staff recommends assignment of Lease No. ML-3C to the Greater Florida Investment Company and Acer Holdings Limited.

ACTION OF THE TRUSTEES:

On motion by Mr. Shevin, seconded by Mr. Christian and passed without objection, the Trustees approved the lease assignment.

-11-

ESCAMBIA COUNTY - Right of Way Easement File No. 2497-17-253.03
(March 26, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304

PROJECT: Highway and bridge construction for State Road 95. Plans have been revised and no dredging or filling of submerged land is required.

LOCATION: 1.36-acre parcel of sovereignty land in Pine Barren Creek in Sections 2 and 15, Township 3 North, Range 31 West, Escambia County.

PAYMENT: None.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Deferred comments to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Shevin, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the right of way easement to the Department of Transportation.

-12-

PALM BEACH COUNTY - Fill Permit No. 253.124-235.

At the request of the Governor's office, the Trustees deferred consideration of the application of William E. Benjamin, II, for permission to fill three submerged land areas and construct riprap seawalls in Section 10, Township 45 South, Range 43 East, Lake Worth, Palm Beach County.

-13-

PALM BEACH COUNTY - Fill Permit No. 253.124-305
(October 25, 1969)

May 1, 1973

APPLICANT: City of Lake Worth
c/o Raphael Steinhardt
1896 79th Street Causeway
Miami, Florida 33141

PROJECT: To fill a parcel of submerged land 275 feet by 400 feet lying west of State Road A-I-A and South of the South right-of-way line of State Road 802.

LOCATION: Sections 26 and 27, Township 44 South, Range 43 East, Lake Worth, Florida, Palm Beach County.

MATERIAL: 36,200 cubic yards of fill to be hauled in.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations recommends that the permit be denied.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed project is not in the best interests of conservation and would have adverse effects on the marine life of the area.

Game and Fresh Water Fish Commission - Concurs with the findings of the Department of Natural Resources and the Department of Pollution Control.

Department of Pollution Control - This department has completed a review of the proposed project and has determined that the extensive dredging and subsequent fill would have definite adverse effects on water quality in Lake Worth. The present application is unacceptable as it would be another step in the overall degradation of Lake Worth.

OTHERS: 1. Area Planning Board of Palm Beach County objects to the project.

2. The Town of Palm Beach objects to the project.

Staff recommends denial of Permit No. 253.124-305.

ACTION OF THE TRUSTEES:

Mr. Kuperberg commented that this matter, twice deferred, was a request from the City of Lake Worth which city holds title to certain submerged land leased to Mr. Steinhardt.

Motion was made by Mr. Stone, seconded by Mr. Christian, that the staff recommendation be approved.

Mr. Steinhardt, representing the City of Lake Worth and two private corporations, reviewed the background of the plan to build a marina complex on land on the east side of Lake Worth acquired by the city in 1955. He discussed the delay caused by litigation, the land donated by the developers to the State Road Department for the new bridge and highway widening, biological reports that he called inconsistent, the Board's legal defense of granting of the permit and subsequent revocation of the permit. He said the City of Lake Worth would be getting the marina free of charge, that records, letters and reports backed up his client's position, and that objections in the last year were based on incorrect information.

The Director called upon Mr. Robert Routa of the Trustees' staff, who explained to the Trustees' satisfaction the alleged inconsistency in the biological reports.

Mr. Christian pointed that laws and policies had changed, and Mr. Shevin said the Board had to consider that a state road project might be more in the public interest than a private developer's fill project.

The motion made by Mr. Stone to deny Permit No. 253.124-305 passed without objection.

May 1, 1973

-14-

MONROE COUNTY - Dredge Permit No. 44-20-0146
(September 11, 1972)

APPLICANT: Fisherman's Hospital, Inc., c/o Bailey and Post
Post Office Box 349, Islamorada, Florida 33036

PROJECT: To dredge a 50 foot wide by 5 foot deep by 500 foot
long navigation channel from applicant's upland
property to an existing navigation channel, to pro-
vide direct access to the hospital by boat for
emergency cases.

LOCATION: Sections 9, 10, Township 66 South, Range 32 East,
Boot Key Harbor, Monroe County.

MATERIAL: Approximately 3,021 cubic yards of material to be
placed along the southwestern portion of the property.

PAYMENT: Requests payment for spoil to be waived.

STAFF

REMARKS: Field Operations Division has no objection to the
access channel. It is requested that adequate turbidity
control devices be utilized in completion of this
channel so as not to silt the surrounding grass
flats. Spoil should be placed upon adequately diked
upland areas.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed work
will be within an area of very productive submerged bay
bottom; the proposed spoil area is bordered on the
waterward side by intertidal red mangroves. Even if
the spoil area is diked at the mean high water line to
eliminate some siltation, there will be substantial
direct damage from dredging and possible secondary
adverse effects from silt placed in the water column by
the dredging.

Game and Fresh Water Fish Commission - To minimize
damage to surrounding submerged land, it is recom-
mended that the dredge area be enclosed by silt-
containing curtains. All spoil should be placed on
uplands on the adjacent Monroe County property next
to the Sheriff's station, since there does not appear
to be sufficient area above the mean high water line
on the applicant's property.

Department of Pollution Control - The project has been
approved by the Board of the Department of Pollution
Control as being exempt from the present moratorium
in Monroe County and no objection is offered to the
project.

Staff recommends issuance of Permit No. 44-20-0146 subject to
use of turbidity control devices and placement of spoil on
adequately-diked publicly-owned upland sites or payment of \$1.50
per cubic yard if placed on private uplands.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed
without objection, the Board approved issuance of the permit
subject to the stipulations as recommended.

-15-

MARTIN COUNTY - Construction Permit No. 43-39-0512
(February 26, 1973)

APPLICANT: Outboard Marine Corporation
c/o Heiman and Cray
Post Office Drawer 24, Stuart, Florida 33494

May 1, 1973

PROJECT: To place riprap on bottom land adjacent to existing seawall forming a boat basin to prevent erosion of the bottom and collapse of the wall.

LOCATION: Section 5, Township 37 South, Range 41 East, St. Lucie River, Martin County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations has no objection to the proposed project.

ECOLOGICAL
RESPONSES: Department of Natural Resources - This department has no objection to the proposed project.

Game and Fresh Water Fish Commission - Deferred to the Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Permit No. 43-39-0512.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, issuance of the construction permit was approved.

-16-

BREVARD COUNTY - Marina License and Construction Permit
No. 05-30-0135
(February 20, 1973)

APPLICANT: James B. Wynn
2189 Pineapple Avenue
Eau Gallie, Florida 32935

PROJECT: To construct a 130-foot pier covering approximately 520 square feet.

LOCATION: Section 9, Township 27 South, Range 37 East, Indian River, Brevard County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF
REMARKS: Field Operations has no objection to the proposed project.

ECOLOGICAL
RESPONSES: Department of Natural Resources - This department has no objection to the proposed project.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Marina License and Construction Permit No. 05-30-0135.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board approved issuance of Marina License and Construction Permit No. 05-30-0135.

May 1, 1973

-17-

DUVAL COUNTY - Marina License and Construction Permit
 No. 16-30-0432
 (February 8, 1973)

APPLICANT: Lamb's Yacht Center, Inc.
 c/o Bronson E. Lamb, Jr.
 1920 Montgomery Place
 Jacksonville, Florida 32205

PROJECT: To replace wooden pilings with a concrete ramp and
 install a boat hoist. The work has been partially
 completed.

LOCATION: Section 42, Township 3 South, Range 26 East, Ortega
 River, Duval County.

MATERIAL: Not applicable.

PAYMENT: \$189 as annual fee.

STAFF

REMARKS: Field Operations Division has no objection to this
 project and recommends that an after-the-fact
 construction permit be issued.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed project
 should not have significant adverse effects on marine
 biological resources.

Game and Fresh Water Fish Commission - Deferred to the
 Department of Natural Resources.

Department of Pollution Control - This department has
 no objection to the proposed project.

Staff recommends issuance of Marina License and Construction
 Permit No. 16-30-0432.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed
 without objection, the Board approved issuance of Marina License
 and Construction Permit No. 16-30-0432.

-18-

DUVAL COUNTY - Marina License and Construction Permit
 No. 16-30-0485
 (February 28, 1973)

APPLICANT: All Saints Nursing Home for the Aging
 c/o Harbor Engineering Company
 1615 Huffingham Lane, Jacksonville, Florida 32216

PROJECT: To construct a dock extending 40 feet into the
 St. Johns River.

LOCATION: Section 26, Township 2 South, Range 26 East,
 St. Johns River, Duval County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee received.

STAFF

REMARKS: Field Operations Division has no objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - This department
 has no objection to the proposal.

May 1, 1973

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Marina License and Construction Permit No. 16-30-0485.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board approved issuance of Marina License and Construction Permit No. 16-30-0485.

-19-

DIXIE COUNTY - Marina License and Construction Permit
No. 15-30-0414E
(April 16, 1973)

APPLICANT: Willie J. Dixon
Post Office Box 248
Horseshoe Beach, Florida 32648

PROJECT: To construct a boat lift 50 feet by 15 feet covering 750 square feet.

LOCATION: Section 14, Township 12 South, Range 10 East, Gulf of Mexico, Dixie County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF
REMARKS: Field Operations Division has no objection to this project.

ECOLOGICAL
RESPONSES: Not applicable.

Staff recommends issuance of Marina License and Construction Permit No. 15-30-0414E.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board approved issuance of Marina License and Construction Permit No. 15-30-0414E.

-20-

ESCAMBIA COUNTY - Marina License and Construction Permit
No. 17-30-0323
(April 17, 1973)

APPLICANT: Alfield, Inc.
1101 North Ninth Avenue
Pensacola, Florida 32501

PROJECT: To construct two boat slips to an existing marina, covering 100,000 square feet.

LOCATION: Section 59, Township 2 South, Range 30 West.

MATERIAL: Not applicable.

PAYMENT: \$2,000 as annual fee.

STAFF
REMARKS: Field Operations Division has no objection to the proposed project.

May 1, 1973

ECOLOGICAL

RESPONSES: Department of Natural Resources - The construction of the proposed project should not have significant adverse effects on marine biological resources in the subject area.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Marina License and Construction Permit No. 17-30-0323.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board approved issuance of Marina License and Construction Permit No. 17-30-0323.

-21-

VOLUSIA COUNTY - Marina License and Construction
Permit No. ML-131
(November 17, 1972)

APPLICANT: Smyrna Marina, Inc.
4 North Causeway
New Smyrna Beach, Florida 32069

PROJECT: To fill an area of privately-owned submerged land and construct a bulkhead. A small portion (.014 acre) is after-the-fact. Additionally, a marina license is requested for an area of sovereignty land.

LOCATION: Adjacent to North Causeway, New Smyrna Beach, Indian River North, unplatted Township 17 South, Range 34 East, Volusia County.

MATERIAL: Fill to be obtained from upland sources.

PAYMENT: \$140 annual fee received.

STAFF

REMARKS: Field Operations Division has no objection to issuance of this permit.

ECOLOGICAL

RESPONSES: Department of Natural Resources - To conserve shallow bottoms, the proposed seawall should be relocated closer to the existing shoreline.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

OTHERS: 1. The City of New Smyrna Beach approved its Permit No. 2389 on March 8, 1972.

NOTE: The applicant accepted the Department of Natural Resources' suggestion and has moved the seawall location closer to the existing shoreline as illustrated in the biological report. The applicant inadvertently filled .014 acre of state-owned submerged land with 44 cubic yards of material but has issued a quit claim deed to the state for this area and has applied for a marina license covering the sovereign lands to be occupied by the marina facility.

Staff recommends approval of Fill Permit and Marina License.

May 1, 1973

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board approved issuance of Marina License and Construction Permit No. ML-131 for the annual fee of \$140, received from the applicant.

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LEON COUNTY - Construction Permit No. 37-22-0761
(April 20, 1973)

APPLICANT: Department of Transportation
c/o Department of Administration
725 South Bronough
Tallahassee, Florida 32304

PROJECT: To install 2 temporary silt barriers in Meginnis Arm and 2 temporary silt barriers in Ford's Arm. These floating "diapers" are designed to reduce siltation and turbidity from storm water runoff entering Lake Jackson.

LOCATION: Sections 1, 2, 11, 14, Township 1 North, Range 1 West, Ford and Meginnis Arms, Lake Jackson, Leon County.

NOTE: Staff is opposed to the proposed earthen dams initially to be constructed for silt control but feels that placement of these temporary sheet plastic structures is essential to the protection of the water quality in the 6,000+ acre Lake Jackson.

Staff recommends issuance of Permit No. 37-22-0761.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone and seconded by Mr. Dickinson to erect temporary silt barriers in Meginnis Arms and Ford's Arm.

Mr. Benjamin K. Phipps, attorney for landowners, stated an objection to this action and presented Dr. Paul Erdos who discussed what he considered the disadvantages of such silt barriers and proposed the use of inlet sedimentation basins. Dr. Sherwood W. Wise and Col. Morgan Whitfield also objected to silt barriers and supported Dr. Erdos' suggestion.

Mr. Earl Starnes presented the findings of the Task Force in support of temporary silt barriers. Mr. Curran Schenck stated that the settling basin concept had been a possibility from the outset but its effect would not be as immediate as was needed.

Mr. Stone made a motion that the Board approve the staff recommendation for temporary silt barriers or "diapers" for a maximum of six months; that the Task Force that would include agencies of city, county and state, be required to report as to recommended interim intermediate and long-range additional solutions; also, that the Trustees' staff by the use of inter-agency experts make a separate investigation and report in not more than ninety days as to possible restoration of the area and who should contribute toward restoring the damaged areas. Mr. Christian seconded the motion that passed unanimously.

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BREVARD COUNTY - Dredge and Construction Permit
No. 05-20-0145
(March 19, 1973)

APPLICANT: Dickerson Marine Center, Inc.
c/o Floyd W. Dickerson
905 North Harbor City Boulevard
Melbourne, Florida 32935

May 1, 1973

PROJECT: To dredge an area 400 feet long x 400 feet wide for dockage, to dredge an 800 feet long x 50 feet wide access channel, and to construct a pier 250 feet long. Dredging will be to -7 feet mean low water.

LOCATION: Section 21, Township 27 South, Range 37 East, Eau Gallie River Basin, Brevard County.

MATERIAL: Approximately 30,000 cubic yards to be dredged, 740 cubic yards to be from state-owned bottoms. The marina facility is on privately-owned submerged lands.

PAYMENT: The City of Melbourne has requested use of the fill for municipal purposes. Applicant requests waiver of fee.

STAFF REMARKS: Field Operations Division has no objection to the project. However, from the report it is felt that the overall length of the dock should not exceed 250 feet to prevent future navigation problems.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed dock installation and dredging should have only limited adverse effects on marine life if siltation is carefully controlled. These soft bottoms will possibly require the use of a "diaper" to adequately control siltation.

Game and Fresh Water Fish Commission - To summarize, the project as proposed does not adequately account for the disposal of the spoil, destroys biological productive areas, and threatens the estuary with high turbidities due to inadequate spoiling and runoff from the small spoil area. We recommend that the permit not be issued due to the biological damage that would occur.

To improve the application, the Typha stands should not be disturbed, the bulkhead which is proposed to be seawall should be stone riprap above mean high water and adequate disposal of the spoil should be assured. The applicant should also be advised that the effluent from the spoil area or areas should not be greater than fifty Jackson turbidity units above normal.

Department of Pollution Control - The present marina complex contains no facilities for the collection and treatment of sewage resulting from boats which dock there at present and the owner has no plans to install these facilities in the new expansion. Thus, this would result in an increase in boat traffic in the area (as a result of new docking facilities) and a corresponding increase in the amount of raw sewage being dumped into the river. This, therefore, would not be conducive to maintenance of good water quality in the area.

For the reasons stated above, the subject project is not recommended for approval.

We have no objections, however, to maintenance dredging of existing channels and basins provided all spoil is placed upland and turbidity is controlled.

NOTE: The applicant has agreed to the modifications and stipulations requested by the environmental agencies. Sewage collection facilities will be installed which meet the objections of the Department of Pollution Control.

Staff recommends approval of Permit No. 05-20-0145 subject to the stipulations of the environmental agencies and waiver of fee for state-owned spoil to be used by the City of Melbourne.

ACTION OF THE TRUSTEES:

Mr. Kuperberg advised the Board that the biological comments do not reflect the fact that subsequent to their issuance there was a meeting with Mr. Dickerson, the applicant, who accepted the stipulations, thereby resolving the problems.

Motion was made by Mr. Stone that the staff recommendations as modified be accepted.

Responding to a question by Mr. Shevin, the Director stated that the City of Melbourne would use the fill material for municipal purposes.

The motion by Mr. Stone, seconded by Mr. Christian, passed without objection.

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BAY COUNTY - Construction Permit No. 03-30-0289
(December 1, 1972)

APPLICANT: City of Panama City
c/o C. E. Peterson, Director of Public Works
Post Office Box 1880, Panama City, Florida 32401

PROJECT: After-the-fact permit for construction of a dock and a bulkhead.

LOCATION: Section 1, Township 4 South, Range 15 West, St. Andrews Bay, Bay County.

MATERIAL: Not applicable.

PAYMENT: Request waiver of fees.

STAFF

REMARKS: Field Operations Division has no objection to issuance of an after-the-fact construction permit.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The work was done in an existing marina area and should not have had significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - This agency has no objection to the project.

Department of Pollution Control - This department has no objection to the project.

Staff recommends approval of Permit No. 03-30-0289 with waiver of fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Board approved issuance of Permit No. 03-30-0289 and waived the fee for this project as being in the public interest.

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MARINA LICENSE RENEWALS

Requests have been submitted for renewal of the following marina licenses:

1. Pinellas County - Marina License Renewal No. ML-1
(March 16, 1973)

Port Tarpon Marina, Inc.
Post Office Box 1486
Tarpon Springs, Florida 33589

To renew ML-1 for one year.

Section 2, Township 27 South, Range 15 East, Anclote River, Pinellas County.

May 1, 1973

\$749 annual fee received.

Field Operations Division recommended renewal of ML-1.

Staff recommends renewal of ML-1 for one year.

2. Volusia County - Marina License renewal, Permit
No. ML-87
(January 26, 1973)

Smyrna Yacht Club
Post Office Box 83
New Smyrna Beach, Florida 32069

To renew ML-87 for one year.

Section 20, Township 17 South, Range 34 East, Volusia County.

\$351.26 annual fee received.

Field Operations Division has no objection to the marina license being renewed.

Staff recommends renewal of ML-87 for one year.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Dickinson and passed without objection, the Board approved the two marina license renewals for one year.

-26-

Because of travel difficulties Mr. Horan was unable to be present and his appearance before the Trustees with reference to Permit Application No. 253.03-178 was postponed until the next meeting.

-27-

GLADES COUNTY - Fish Camp Lease No. 1598
(April 10, 1973)

APPLICANT: Staff request

PROJECT: Renewal of Lease No. 1598 for a fishing camp, trailer park and commercial use. The lease was previously held by Harvey Arrington, now deceased. Mrs. Arrington did not wish to renew the lease and several other parties have expressed an interest in the property.

LOCATION: Tract in Section 10, Township 41 South, Range 32 East, being part of the levee berm of Lake Okeechobee Rim Levee Div. 3, containing 6 acres, more or less.

MATERIAL: Not applicable.

PAYMENT: Present lease is \$50 per month. A fair rental estimate of \$3,100 per year has been set by the staff appraiser.

STAFF

REMARKS: Some of the tenants in this park have been there as long as eleven years. Approximately five or six trailers are permanently affixed to the ground. This lease has been on a month-to-month basis since 1961. At the recommendation of the Central and Southern Florida Flood Control District, the original lease was given for temporary use with a 90-day cancellation provision, as the area was on the levee right of way.

May 1, 1973

OTHERS: Glades County Health Department: Will approve the facilities if an engineer, registered in Florida, is hired to submit plans for a public water and sewer system that is acceptable to the Division of Health and the Department of Pollution Control.

Staff recommends authorization to advertise for bids.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board authorized advertisement for bids.

-28-

DADE COUNTY - Sand Lease No. 2439
(December 28, 1972)

APPLICANT: Des Rocher Sand Company
c/o James L. Titzel
728 Eastwind Drive
North Palm Beach, Florida 33403

PROJECT: To renew Commercial Sand Lease No. 2439 covering two areas 3,500 feet Southeasterly of Cape Florida in the Atlantic Ocean. The lease was to expire on March 16, 1973. It was extended for 60 days on March 7, 1973 and will expire on May 16, 1973.

LOCATION: Easterly and Southeasterly of the Old Lighthouse Tower on Cape Florida.

STAFF

REMARKS: A monthly report of cubic yardage dredged and payment of .22 per cubic yard are required by the existing lease. Should this lease be renewed, an appraisal will be made for the purpose of estimating an equitable royalty rate.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Dredging within the subject area may not have immediate massive adverse effects on marine biological resources; however, continued dredging within the subject area can be expected to have gradual but permanent adverse effects.

Game and Fresh Water Fish Commission - Concurs with the findings and recommendations of the Bureau of Sport Fisheries and Wildlife which state that the renewal of this permit would be contrary to State and Federal policy and law. The continuance of this permit would have adverse effects on the sport and commercial fisheries in waters of the State Aquatic Preserve.

Department of Pollution Control - It is the opinion of this department that any dredging in this area will have definite effects on water quality and due to the closeness of the Aquatic Preserve, the application should not be approved or at least a definite schedule should be established to phase out this type of operation.

NOTE: 1. Florida Audubon Society objects to extension of this lease.

2. The lease area is within Aquatic Preserve A-12.

Staff recommends Sand Lease No. 2439 not be renewed.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that the United States Fish and Wildlife Service and National Marine Fisheries Service also filed objections to the sand lease.

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Trustees denied the request to renew this sand lease.

May 1, 1973

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GLADES COUNTY - Dredge Permit No. 22-25-0309
(April 18, 1973)

APPLICANT: General Development Corporation
1111 South Bayshore Drive
Miami, Florida 33131

PROJECT: To dredge a marina basin and two access channels to
the Caloosahatchee River.

LOCATION: Section 35, Township 42 South, Range 29 East, Port
LaBelle, Glades County.

MATERIAL: Approximately 200,000 cubic yards of material to be
placed on uplands.

PAYMENT: Not applicable. State-owned material not involved.

STAFF
REMARKS: Field Operations Division recommends approval of the
proposed project.

ECOLOGICAL
RESPONSES: Department of Natural Resources, Survey and Management -
This proposed project should not significantly affect
aquatic biological resources.

Bureau of Beaches and Shores - The modification to the
project to include 7 culverts should improve somewhat
exchanges between the marina and the Caloosahatchee
Canal; however, high residence times within the
marina should be anticipated.

Game and Fresh Water Fish Commission - This agency
has no objection to the proposed project.

Department of Pollution Control - This department
has no objection to the proposed project.

Staff recommends issuance of Dredge Permit No. 22-25-0309.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the project as modified is much superior to
the original plan.

On motion by Mr. Dickinson, seconded by Mr. Christian and
Mr. Stone and passed without objection, the Trustees approved
Dredge Permit No. 22-25-0309.

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MONROE COUNTY - Dredge Permit No. 253.03-172
(November 8, 1972)

APPLICANT: Bahia Shores, Inc.
c/o Bailey and Post
Post Office Box 349, Islamorada, Florida 33036

PROJECT: To revise an existing permit, by dredging an
access channel 250 feet long x 50 feet wide x 6
feet deep and a perimeter channel that would connect
two existing 1,500-foot canals. Original permit
issued December 10, 1970.

LOCATION: Section 18, Township 16 South, Range 30 East, Big
Spanish Channel at No-Name Key, Monroe County.

MATERIAL: Approximately 1,200 cubic yards of material to be
excavated from channel and placed behind the mean
high tide line.

PAYMENT: \$1,800 received as payment at standard rates.

May 1, 1973

STAFF

REMARKS: Field Operations Division has no objection to the proposed revised project provided there is strict adherence to the turbidity standards set forth by the Department of Pollution Control.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The applicant's present revision follows the recommendations of the representatives of the state agencies that met on September 15, 1972. The upland excavation should be completed before the system is opened up, to reduce turbidity in the surrounding water; and red mangroves should be planted, at a 2:1 replacement ratio, along the waterward side of the mean high tide line to replace the ones that were removed prior to April, 1971.

Game and Fresh Water Fish Commission - We have reviewed the permit and have no objections to its issuance.

Department of Pollution Control - Has issued certification for the project.

Staff recommends issuance of Permit No. 253.03-172, subject to the stipulations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and Mr. Christian, passed without objection, the Board approved issuance of Dredge Permit No. 253.03-172 subject to the stipulations of the environmental agency.

-31A-

CHARLOTTE COUNTY - Bulkhead Line

APPLICANT: City of Punta Gorda
c/o Tri-County Engineering, Inc.
121 East Charlotte Avenue
Punta Gorda, Florida 33950

PROJECT: To approve the bulkhead line 1,411.59 feet long established by the City Council of the City of Punta Gorda by Resolution No. 439, adopted February 15, 1972.

LOCATION: Section 6, Township 41 South, Range 23 East, Charlotte County.

MATERIAL: None.

PAYMENT: None.

STAFF

REMARKS: Field Operations Division has no objection to the proposed bulkhead line.

ECOLOGICAL

RESPONSES: Department of Natural Resources - This department has no objection to the proposed bulkhead line.

Game and Fresh Water Fish Commission has no objection to revised bulkhead line location.

Department of Pollution Control has no objection to the proposed bulkhead line.

Staff recommends approval of the bulkhead line.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Trustees approved the bulkhead line as established by the City of Punta Gorda on February 15, 1972.

May 1, 1973

-31B-

CHARLOTTE COUNTY - Application for Dedication
 File No. 2496-08-253.03 0.82 acre
 (February 26, 1973)

STAFF

DESCRIPTION: Two parcels of sovereignty land in Peace River
 abutting Section 6, Township 41 South, Range
 23 East.

A. CITY AND COUNTY: City of Punta Gorda, Charlotte County.

B. APPLICANT: City of Punta Gorda

C. APPLICANT'S
 REPRESENTATIVE: Tri-County Engineering, Inc.
 121 East Charlotte Avenue
 Punta Gorda, Florida 33950

D. ACREAGE: 0.35 and 0.47, total 0.82.
 RATE PER
 ACRE: Not applicable.

E. APPRAISAL: Not applicable.

F. PURPOSE: To be managed by the city for public fishing, boat
 servicing, docking and launching and other water-oriented
 recreational activities.

G. ECOLOGICAL
 RESPONSES: Department of Natural Resources - Biological
 report dated October 12, 1970, offers no
 objection to the project.

Game and Fresh Water Fish Commission - No objection
 to the revised plan.

Department of Pollution Control - Has no objection
 to the proposed project.

OTHERS: The Department of Administration states that
 compliance with Florida Law has been accomplished.

H. STAFF
 REMARKS: Field Operations Division has no objection to
 the project.

The City of Punta Gorda by Resolution No. 476 dated February 20, 1973, states that there exists a great public need for the proposed construction as no other adequate facilities exist in or near the city. The facility will be managed by the city and the commercial concessions will be limited to boat docking and servicing and sale of boat fuel, boating and fishing supplies, equipment and "carry-out" food. The concessions will be authorized by the city after public bidding. The construction time is estimated to be one year after approval of necessary permits.

No objection was presented at the advertised public hearing for establishment of the bulkhead line.

One letter objecting to the location of the proposed marina has been received at agenda preparation time.

Staff requests authority to issue the dedication with appropriate restrictions and reverter provisions.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Trustees authorized issuance of the dedication with appropriate restrictions and reverter provisions.

-31C-

CHARLOTTE COUNTY - Construction Permit and Marina License
Permit No. ML-136
(February 26, 1973)

APPLICANT: City of Punta Gorda
c/o Tri-County Engineering Inc.
121 East Charlotte Avenue
Punta Gorda, Florida 33950

PROJECT: To construct a docking facility occupying 9,108 square feet of submerged land in the Peace River abutting Section 6, Township 41 South, Range 23 East, Charlotte County.

LOCATION: Section 6, Township 41 South, Range 23 East, Charlotte County.

MATERIAL: None.

PAYMENT: City of Punta Gorda requested fee be waived.

STAFF
REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed marina improvements with limited, trucked-in fill should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Marina License and Construction Permit ML-136 with waiver of fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner, and passed without objection, the Trustees authorized issuance of Construction Permit and Marina License ML-136.

-31D-

CHARLOTTE COUNTY - Fill Permit No. 08-10-0025
(February 26, 1973)

APPLICANT: City of Punta Gorda
c/o Tri-County Engineering, Inc.
121 East Charlotte Avenue
Punta Gorda, Florida 33950

PROJECT: To place fill on submerged lands at the existing City of Punta Gorda Boat Basin to allow improvements to the facility to be constructed. Approximately .82 acres will be filled.

LOCATION: Section 6, Township 41 South, Range 23 East, Charlotte County.

STAFF
REMARKS: Field Operations has no objection to the proposed project.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed project should not have significant adverse effects on marine biological resources.

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Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Fill Permit No. 08-10-0025.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Trustees authorized issuance of Fill Permit No. 08-10-0025.

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MARTIN COUNTY - Public Hearing to establish an Erosion Control Line
(March 7, 1973)

APPLICANT: Town of Jupiter Island
c/o Arthur V. Strock, P.E.
Arthur Strock and Associates, Inc.
829 Southeast 9 Street Palm Plaza
Deerfield Beach, Florida 33441

PROJECT: Requests the Board of Trustees to establish an erosion control line in accordance with the provisions of Section 161.151, Florida Statutes for the purpose of nourishing 26,400 lineal feet of eroded beach.

LOCATION: Atlantic Ocean adjacent to Sections 10, 14, 23, 25, 26 and 36, Township 39 South, Range 42 East; Sections 1 and 12 Township 40 South, Range 42 East; Sections 7 and 18, Township 40 South, Range 43 East, Martin County.

MATERIAL: 2,376,000 cubic yards of material for beach nourishment will be obtained from borrow areas 3,500 feet offshore.

PAYMENT: None. Material will be placed on sovereignty land.

ECOLOGICAL

RESPONSES: Department of Natural Resources certifies that severe beach erosion has occurred in the area encompassed by the project and that the beach has been substantially destroyed and may be completely destroyed in the immediate future unless a publicly financed program is undertaken.

Staff requests authority to advertise that the Board of Trustees or its designee will hold a public hearing in the Town of Jupiter Island Town Hall at 10 a.m. on Monday, May 21, 1973, for the purpose of considering evidence bearing on the necessity or propriety of the beach nourishment or restoration program and/or on the proposed location of the erosion control line. Request that the Board of Trustees authorize the Executive Director to designate a member of his staff to hold the public hearing for the erosion control line proposed for the Town of Jupiter Island, Florida.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, staff was authorized to advertise for and hold a public hearing on the beach erosion control line.

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Public Hearing of April 17, 1973 deferred to May 1, 1973, to incorporate emergency rules adopted February 6, 1973, into the Florida Administrative Code as permanent rules governing time for submitting permit items for consideration of the Trustees, permit procedures, and exemptions from some of the

May 1, 1973

procedures for projects below a certain size and cost.

Pursuant to public notice published April 2, 1973, and copies of the proposed rules mailed to individuals requesting to be on the mailing list, in compliance with Chapter 120, Florida Statutes, hearing is to be given interested or affected parties prior to adoption of the permanent rules. The rules may be adopted with revisions after the hearing and filed with the office of the Secretary of State to become operative immediately upon filing. The emergency rules expire May 15, 1973.

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained that this is the public hearing on Item 33, and requested that he might read three changes into the record.

On motion by Mr. Dickinson, seconded by Mr. Christian, he submitted the following changes:

page 1, 18-2.093, after first sentence in Sub-1: addition of the phrase "except as authorized by law."

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, this amendment was approved.

18-2.095, Sub-B: following the word "include", add "lands beneath," continue to read "lakes, rivers, creeks, marshes, and other waters," add the word "other".

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, this amendment was approved.

18-2.095, Sub-2: add the words: "not more than one exemption permit hereunder shall be allowed if, in the opinion of the Executive Director, the application reflects a design to circumvent limitations established in this regulation. When a subsequent application for such permit is received, the same shall be processed without regard to claim of exemption under this regulation."

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the amendments were approved.

On motion by Mr. Stone, seconded by Mr. Dickinson, and passed without objection, the rules as amended were approved.

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CHARLOTTE COUNTY - Dredge and Fill
Permit No. 08-31-0087
(January 8, 1973)

APPLICANT: General Development Corporation
1111 South Bayshore Drive
Miami, Florida 33131

PROJECT: To restore a tidal creek area that was altered without authorization, construct a marina, and obtain spoil from three island areas in West Spring Lake.

LOCATION: Section 34, Township 40 South, Range 22 East and Section 21, Township 40 South, Range 22 East, Grassy Point and West Spring Lake, Charlotte County.

MATERIAL: 381,000 cubic yards to be excavated and placed on uplands.

PAYMENT: Not applicable.

STAFF

REMARKS: After careful review of the report submitted by our Area Office, the Field Operations Division would have no objection

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to the project as proposed. However, Field Operations would request that runoff be directed away from the marina area and that General Development Corporation notify the Area II field Office once this restoration program begins so its progress can be routinely monitored.

ECOLOGICAL RESPONSES: Department of Natural Resources - Although sandy spoil deposits occur on the islands, the proposed dredging should generally be discouraged in favor of conserving available wildlife habitat and marsh edge which the islands now provide within the existing development.

Game and Fresh Water Fish Commission - This agency has no objection to the project.

Department of Pollution Control - This department has no objections to the latest plan providing General Development Corporation submits details of methods of controlling turbidity and the method of handling marina wastes.

NOTE: The conceptual design of this plan was agreed upon at a meeting between the applicant and representatives of state and federal environmental agencies.

Staff recommends issuance of Permit No. 08-31-0087 subject to the stipulations of the Department of Pollution Control and Trustees' Field Operations Division.

ACTION OF THE TRUSTEES:

Since the Department of Pollution Control withdrew their objections, Mr. Kuperberg requested that the following words be struck from Item 34: "The Department of Pollution Control and..."

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved the issuance of Permit No. 08-31-0087, as amended.

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MARTIN COUNTY - Dredge Permit No. 253.123-0887

APPLICANT: Roger Skillman
Post Office Box 2287
Delray Beach, Florida 33444

PROJECT: To modify Dredge Permit No. 253.123-0887 to allow further channel dredging in vicinity of proposed boat ramp.

LOCATION: Section 20, Township 38 South, Range 42 East, Intracoastal Waterway, Martin County.

MATERIAL: 1,655 cubic yards of material were removed under the original application. A minimum amount of privately-owned material will be dredged to construct the boat ramp.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division suggests a modified permit be issued to allow the work requested.

ECOLOGICAL RESPONSES: Department of Natural Resources - An additional biological study for the revision is not required.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the revision of Dredge Permit No. 253.123-0887.

May 1, 1973

Staff recommends modification of Permit No. 253.123-0887 as requested.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees approved the modification of Permit No. 253.123-0887.

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PINELLAS COUNTY - Dredge and Construction Permit
No. 52-20-0488
(April 4, 1973)

APPLICANT: Whistler Yacht Company
c/o Hilborn, Werner, Carter & Assoc, Inc.
1630 South Myrtle Avenue
Clearwater, Florida 33516

PROJECT: To dredge a boat basin connection to existing basins and Frenchmans Creek, and construct docks.

LOCATION: Section 11, Township 32 South, Range 16 East, Frenchmans Creek, Pinellas County.

MATERIAL: Approximately 28,500 cubic yards of material to be placed on uplands.

PAYMENT: Not applicable. State-owned submerged land not involved.

STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - This project should not have adverse effects on marine life, provided excavation is completed before a connection is made to navigable waters.

Beaches and Shores - The circulation within the proposed basin will be poor.

Game and Fresh Water Fish Commission - Deferred to the Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

OTHERS: Pinellas County Water and Navigation Control Authority has approved the project.

Staff recommends issuance of Permit No. 52-20-0488 provided upland dredging is completed before connection is made to navigable waters.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner seconded by Mr. Christian and passed without objection, the Trustees approved the issuance of Permit No. 52-20-0488.

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MONROE COUNTY - Ocean Reef Club, Inc.
Permit Nos. 44-39-0369, 44-39-0370, 44-39-0371

Mr. Stone and Mr. Dickinson requested that this item be deferred two weeks for study.

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PRINTING VOLUME 38 MINUTES OF THE TRUSTEES

On March 7, 1973, the Trustees authorized invitation for bids for printing and binding 150 copies of Volume 38 of the minutes by photo-lithographic reproduction, uniform with the preceding volume. Printing shall be in accordance with provisions of Regulation No. 13A-3.02, Classification V printing, and funds are available within the approved operating budget.

The following three bids were received for printing the 714 pages of the minutes with 75-page index:

Ambrose the Printer, Inc. Post Office Box 10100 Jacksonville, Florida 32207 Estimated total of \$4,694.55	\$5.95 per page
Rose Printing Company, Inc. Post Office Box 5078 Tallahassee, Florida 32301 Estimated total \$5,404.65	\$6.85 per page
The St. Petersburg Printing Company, Inc. Post Office Box 1701 Tallahassee, Florida 32302 Estimated total \$6,667.05	\$8.45 per page

Recommend awarding of bid to the low bidder.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees approved awarding the bid to the low bidder for Vol. 38 of the Trustees' minutes.

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The rules were waived for consideration of the following addendum.

HILLSBOROUGH COUNTY - Drainage Easement
(January 22, 1973)

This item placed on the agenda at the request of Comptroller Dickinson.

APPLICANT: Hillsborough County

REQUEST: Drainage easement for storm sewer across University of South Florida campus.

LOCATION: 50 foot wide construction easement and a 15 foot wide permanent easement in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4, Township 28 South, Range 19 East, Hillsborough County.

The easement is 522.6 feet long located across the northern end of the golf course terminating in a lake located partially on the university campus at the north boundary of the campus. The drainage which this proposed underground storm sewer will handle is presently reaching the small lake by surface overflow. This storm sewer is one of seven proposed outfalls in the county's master drainage plan for the university area.

The Board of Regents has reviewed and approved issuance of the easement.

The Hillsborough County Environmental Protection Commission reviewed this request and commented that the input of storm sewage will degrade the water quality of the lake and in effect cause pollution which is something they could not approve.

Staff recommends denial of easement.

May 1, 1973

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained that the basis of the staff recommendation was the adverse position of the Hillsborough County Pollution Control Department.

Mr. Dickinson recommended approval with the understanding that results of the storm drainage into the lake would be monitored by the staff, the University of South Florida, and the clearinghouse agencies, if necessary. Discussion followed regarding possible alternative methods of disposal of runoff waters, the Director proposing to make an on-site inspection in an effort to find a solution short of denial.

Mr. Arthur D. Pepin of Tampa and Mr. Charles Maynard of U. S. Home Corporation urged approval of the easement without further delay.

Without objection, the Trustees accepted the motion by Mr. Stone to defer for two weeks to see if there are any reasonable alternatives.

On motion duly adopted, the meeting was adjourned.

 
GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

* * * * *

Tallahassee, Florida
May 15, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

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Without objection, the minutes of the meeting on April 17, 1973, were approved as submitted.

STATE LAND ACQUISITIONS IN THE TEN THOUSAND ISLANDS, COLLIER COUNTY

Mr. William Merrihue, Dr. Edward T. LaRoe, Mr. John Blair, Mr. John Burnham, Mr. John Dearholt and others attended this meeting for the presentation of a deed from the Collier County Conservancy conveying to the State of Florida land in the Ten Thousand Islands to be protected and used in its natural and wild condition. The conservancy, founded nine years ago (with the Trustees' executive director as one of its founders) for

May 15, 1973

the purpose of acquiring some of the remaining wild lands, had purchased through private subscription many acres of coastal, estuarine areas and worked to protect the environment of Collier County and of Southwest Florida with special attention to beaches, wetlands, water resources, the Ten Thousand Islands, the Big Cypress and the Everglades National Park.

Stating that the conservancy was making the presentation of this sanctuary to the state in the hope that the state will immediately acquire and protect the remainder of the Ten Thousand Islands, Mr. Merrihue presented to the Governor a quitclaim deed dated May 14, 1973, describing Parcel 1, land in Section 11, Township 53 South, Range 28 East, in Collier County, and Parcel 2, land in Sections 2, 3, 8, 9, 10, 11, 15, 17, 20, 21, 29, 32 and 33 in Township 53 South, Range 28 East.

In accepting the deed, Governor Askew expressed appreciation for the leadership and work of the Collier County Conservancy and commitment of private citizens toward preserving our environment. He stated that the Board previously had gone on record with a definite commitment that the state would go forward toward the acquisition of that beautiful and vital part of Florida.

COLLIER COUNTY - GAC Properties, Inc.

Mr. Kuperberg stated that protection of an island system depended on protecting the water quality around those islands. By a settlement with GAC an important wetlands protective zone had been acquired that would connect the Conservancy's gift to the proposed Fakahatchee Strand acquisition.

Mr. Dick West, representing GAC Properties, Inc., was present to convey some 9,500 acres of marsh immediately north and upstream of the islands to the State of Florida.

Mr. West spoke of the early interest of GAC in the environment of Florida, the company's action removing from the market those lands in and around the Fakahatchee Strand, and the arrangement worked out with the state to transfer by warranty deed dated June 30, 1972, from GAC Properties, Inc., a Florida corporation, to the State of Florida Board of Trustees of the Internal Improvement Trust Fund marsh lands consisting, in the aggregate, of 9,523 acres, more or less, in Township 53 South, Range 28 East, Township 52 South, Range 29 East, and Township 52 South, Range 28 East, in Collier County, Florida.

The Governor thanked Mr. West and expressed the appreciation of the Board of Trustees to GAC Properties.

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BAY COUNTY - Dredge Permit No. 03-21-0290
(March 16, 1973)

APPLICANT: City of Panama City, c/o C. E. Peterson
P. O. Box 1880, Panama City, Florida 32401

PROJECT: Maintenance dredging for existing boat channels,
boat basins and storm drainage outfall.

LOCATION: Sections 6, 8, 9, 11, 14, 16, Township 4 South,
Range 14 West, Channels to St. Andrews Bay,
Bay County.

MATERIAL: Approximately 1,750 cubic yards spoil from Areas
1, 3 and 4 will be temporarily deposited adjacent
to dredge sites and all excess will be hauled to
stock pile area. Material from Areas 2, 5, 6, 7,
8, 9, 10 and 11 will be hauled by truck to stock
pile areas to be used as needed for city streets
and city property.

PAYMENT: Request waiver of fees.

May 15, 1973

STAFF

REMARKS: Field Operations Division recommends approval of the blanket maintenance dredging permit.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - No significant adverse effects on marine biological resources should accrue from these projects.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - No objection subject to the following: (1) Job 3, Repair and use tie-backs for the east wall; (2) Job 4, Replace the wooden wall, use tiebacks to keep wall from settling and fill holes on east side; (3) Job 7, Maintenance dredging on existing storm drainage will require preservation of existing banks; (4) Job 8, Will require preservation of existing banks and removal of obstruction in front of the pipe; (5) Job 9, Will require preservation of existing banks.

Staff recommends issuance of maintenance permit No. 03-21-0290 subject to the stipulation of the Department of Pollution Control, and waiver of fee.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board.

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BROWARD COUNTY - Construction Permit No. 06-30-0439
(May 3, 1973)

APPLICANT: Allington Towers, North, Inc.
1600 South Ocean Drive, Hollywood, Florida 33020

PROJECT: To construct 14 finger piers 14 feet x 23 feet.

LOCATION: Section 24, Township 51 South, Range 42 East,
Broward County.

MATERIAL: Not applicable.

PAYMENT: Annual fee not required as all of the construction is upon privately-owned submerged lands.

STAFF

REMARKS: Field Operations Division has no objection to the construction of these facilities.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - This department has no objection to the proposed project.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Construction Permit No. 06-30-0439.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the construction permit was approved as recommended.

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BROWARD COUNTY - Fill Permit No. 06-13-0202
(Revised March 20, 1973)

APPLICANT: F.P.A. Corporation
2501 Palm-Aire Drive
Pompano Beach, Florida 33060

PROJECT: To construct approximately 7,400 feet of seawall along the Intracoastal Waterway and inland canals in the vicinity of Lighthouse Point. Riprap will be placed in front of the seawall.

LOCATION: Sections 8 and 17, Township 48 South, Range 43 East, Intracoastal Waterway, Broward County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations has no objections to the proposed bulkhead.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The construction of right angle corners where the canals connect to the Intracoastal Waterway would entail filling shallow bottoms. To conserve these shallow bottoms the proposed seawall should be rounded to follow the existing shoreline. An effort should be made to conserve red mangroves and white mangroves vegetating the shoreline of some of the canals, since construction of docks along the proposed seawalls would eliminate them. Beaches and Shores: Riprap will reduce wave energy and be advantageous to the project. Use of scrap concrete and butt ends is discouraged.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department has no objection to the proposed project.

NOTE: This project was revised at the request of the Game and Fresh Water Fish Commission.

Staff recommends issuance of Permit No. 06-13-0202 subject to the stipulations of the environmental agencies.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and passed without objection, to approve the permit subject to the stipulations of the environmental agencies.

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BROWARD COUNTY - Dredge Permit No. 06-22-0650

The application by the Department of Transportation to dredge to install storm drainage outfalls into canals to handle the increased run-off to come as a result of widening of U.S. 1 was deferred at the request of the staff in order to try to work out a mutually satisfactory solution to the problems.

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CHARLOTTE COUNTY - Permit No. 08-30-0581E
(March 21, 1973)

May 15, 1973

APPLICANT: Cape Haze Corporation
6820 Indian Creek Drive
Miami Beach, Florida 33141

PROJECT: To remove a plug to connect an existing canal to
Lemon Bay. A portion of the plug has washed out.
The application was filed under the exemption rule.

LOCATION: Section 3, Township 42 South, Range 20 East,
Lemon Bay, Charlotte County.

MATERIAL: 22 cubic yards to be removed.

PAYMENT: Not applicable. State-owned submerged lands not
involved.

STAFF
REMARKS: Field Operations Division recommends that the
application be denied. Private waterfront canals
should not be permitted to connect to waters of
the state. Plug should be restored.

Staff recommends denial of Permit No. 08-30-0581F and that the
applicant be directed to restore the plug.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Shevin and passed
without objection, the Board upheld the staff recommendation
for denial of the permit and that the applicant be directed
to restore the plug.

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DADE COUNTY - Dredge Permit No. 253.123-1161

At the request of the staff, the application of Key Biscayne
Company to dredge to restore a private beach was deferred because
there was a need to find a borrow area not biologically harmful.

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DADE COUNTY - Dredge Permit No. 253.123-1179

The application of The Sands Key Biscayne Association, Inc.,
to dredge for the purpose of beach nourishment was deferred.

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DADE COUNTY - Dredge Permit No. 13-24-0123

The application of Key Biscayne Highrise Condominium Limited
(Casa Del Mar Condominium Assoc., Inc.) to dredge material for
placement on upland property was deferred.

With reference to the three above applications, Mr. Kuperberg
stated that the request for deferral applied only to one of
these applications. The three projects are similarly situated
and Mr. O'Malley suggested that all three be deferred until
some adequate solution is found.

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ESCAMBIA COUNTY - Dredge Permit No. 17-24-0220
(October 25, 1973)

APPLICANT: Rod & Reel Lodge Marina, Inc.
c/o Frank K. Hubbard
Route 6, Box 918, Pensacola, Florida 32507

PROJECT: To dredge a boat basin with spoil to be removed from
the site.

May 15, 1973

LOCATION: Section 24, Township 3 South, Range 31 West, Big Lagoon, Escambia County.

MATERIAL: Approximately 6,000 cubic yards of material to be trucked off by the county road department for road maintenance use.

PAYMENT: Request waiver of fee; county to use material.

STAFF

REMARKS: Field Operations Division reports that permits have been issued for the marina construction and dredging (Permit No. 253.123-286) in the past and there are extensive productive bottoms adjacent to and near this area. It is recommended that the dredge project be approved within the confines of the marina.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Some of the shallow bottoms within the dredge area are sandy and unvegetated. Dredging these areas to a depth of 5 feet mean low water should not have significant adverse effects on marine biological resources. The proposed dredging of the productive seagrass bottoms would have definite and significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - The proposed area is considered to be a productive feeding area for fish and birds and will be destroyed if the dredging is permitted. Due to the damage that the aquatic environment will encounter, this agency recommends against issuance of the permit.

Department of Pollution Control - This department has no objection to the proposed project.

NOTE: This work was previously authorized under Permit No. 253.123-286 that expired on May 2, 1972. The applicant was unable to complete the construction before expiration of the permit.

Staff recommends issuance of Dredge Permit No. 17-24-0220.

ACTION OF THE TRUSTEES:

Responding to Mr. Shevin's question, Mr. Robert Routa of the Trustees' staff explained that the work would be within the confines of an existing marina in an area having few such facilities, that he had inspected the area previously and current biological comments were reflected on this agenda.

On motion by Mr. Stone, seconded by Mr. Shevin and passed without objection, the Board approved the application.

Mr. Shevin commented for the record that the Board had no obligation to extend an expired permit. Approval was on the basis of the information provided today, and as a new permit.

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FRANKLIN COUNTY - Dredge Permit No. 19-20-0543E
(April 12, 1973)

APPLICANT: A. C. Martin
77 West Bennett Street, Camilla, Georgia 31730

PROJECT: To redredge an existing access channel silted in due to Hurricane Agnes. The application was filed under the exemption rule.

LOCATION: Section 4, Township 7 South, Range 3 West, St. James Island, Franklin County.

May 15, 1973

MATERIAL: Material to be blown out of channel by propwash of a boat.

STAFF

REMARKS: Field Operations Division recommends denial of the project as proposed and recommends that the applicant dredge the material and place it on properly diked uplands.

Staff recommends denial of Dredge Permit No. 19-20-0543E.

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained the turbidity problems associated with this manner of removing silt. The staff recommended that an exemption not be granted, that the applicant reapply for a permit for dredging using a more acceptable technique.

On motion by Mr. Stone, seconded by Mr. Shevin and passed without objection, the Board denied the application for a dredge permit.

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MONROE COUNTY - Construction Permit No. 44-39-0592
(May 2, 1973)

APPLICANT: Sanders Associates, Inc.
95 Canal Street
Room NAEL - 2230
Nashua, New Hampshire 03060

PROJECT: To develop a temporary experimental radio facility necessitating installation of antennas in shallow water and construction of temporary access roads and parking areas for equipment vans.

LOCATION: Hawkes Channel, Sugarloaf Key, Monroe County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division can not recommend approval of this project. Botanically, the area is very significant and although they do plan to restore the area, Field Operations would recommend that another less significant area be used.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The construction of the van pads and the connecting road should not have adverse effects on marine biological resources. The access road from the main road will cross intertidal red and black mangrove wetlands and will interfere with natural sheet flow in the area.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

NOTE: Applicant relocated access road and parking area to avoid the areas that Department of Natural Resources and Field Operations felt should be preserved. Also, 3 drainage structures will be added under the access road to permit water flow in both directions.

Staff recommends issuance of Permit No. 44-39-0592.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed with Mr. O'Malley voting in the negative, the Trustees approved issuance of the permit.

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OKALOOSA COUNTY - Fill Permit No. 46-13-0221
(October 30, 1972)

APPLICANT: Donald Vern Thompson
125 Destin Drive
Fort Walton Beach, Florida 32548

PROJECT: To construct a seawall 89' long and place dredged material to fill submerged lands within the proposed seawall.

LOCATION: Section 7, Township 25 South, Range 23 West, Choctaw-hatchee Bay, Okaloosa County.

MATERIAL: Approximately 140 cubic yards of material to be deposited behind the seawall.

STAFF

REMARKS: Field Operations Division has no objection to the project, but recommends that when the area is dredged, turbidity curtains be required around the site.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Although one corner of the bulkhead has been revised to connect with the existing bulkhead to the east, the applicant still proposes to dredge offshore bottoms in Cinco Bayou. The bulkhead should be further revised to more closely approximate the mean high water line along the applicant's property. Fill required behind the bulkhead should be obtained from upland sources and not from dredging submerged lands.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

NOTE: Since the agencies' comments were received the applicant has again revised his seawall location to more closely approximate the line of mean high water.

Staff recommends issuance of Permit No. 46-13-0221 with the stipulation that no dredging be conducted and fill be obtained from upland sources.

ACTION OF THE TRUSTEES:

The Director furnished copies of the second revision drawing, the first revision having been erroneously filed with the agenda.

Motion was made by Mr. Stone, seconded by Mr. Dickinson, to approve the staff recommendation for approval of the seawall without dredging.

Mr. Kuperberg stated that the revised seawall plan was acceptable hydrographically but the environmental agency recommended against dredging and that the filling be by trucked-in material.

Colonel Thompson discussed his application filed seven months ago and modified twice as recommended by the Department of Natural Resources, his loss of fifteen feet of shoreline by recent, rapid erosion endangering a number of trees.

During the discussion the question raised was whether the erosion was gradual, imperceptible, or sudden. If the latter, the owner would be able to recover his land that was lost.

Motion was made by Mr. Dickinson, seconded by Mr. Stone and passed without objection, that the Board approve the permit and the dredging subject to further on-site examination by the staff. In the event of an adverse report, the applicant will be afforded an opportunity to reappear before the Trustees.

-14-

PINELLAS COUNTY - Bulkhead Line and Fill Permit No. 52-10-0116.

The Board deferred consideration of the application of Ulman-Iaeger Company to fill an area in Section 30, Township 31 South, Range 16 East, Boca Ciega Bay, Pinellas County, with 700 cubic yards of fill material to be obtained from upland sources.

-15-

PUTNAM COUNTY - Dredge Permit No. 54-21-0449
(February 7, 1973)

APPLICANT: U.A.W.
800 East Jefferson Avenue
Detroit, Michigan 48214

PROJECT: To dredge an existing boat basin which has silted in and is now unusable.

LOCATION: Section 39, Townships 10 and 11 South, Range 26 East, Barrentine Creek, Putnam County.

MATERIAL: 2,500 cubic yards to be excavated.

PAYMENT: Not applicable. State-owned submerged land not involved.

STAFF

REMARKS: Field Operations Division has no objections provided:
1) spoil area is diked to prevent runoff, 2) curtain used at entrance while dredging is in progress and left an adequate time to allow settling, 3) storm drainage of area be diverted away from basin.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The proposed dredging of the marina basin should not significantly affect aquatic biological resources provided: 1) a silt "diaper" is placed at the mouth of the marina during excavation, 2) dredging depth is limited to five feet mean low water, and 3) spoil is deposited on uplands well removed from the immediate drainage area of the marina and Ballentine Creek. (The spoil site is not shown on the sketch submitted.) The effects of storm runoff presently draining directly into the marina should be evaluated by the Department of Pollution Control. Allowing sheet flow drainage over the vegetated slope surrounding the marina would filter silt and other sediments from runoff and help maintain water quality in the marina.

Game and Fresh Water Fish Commission - the marina area has very limited biological production. Removing the present bottom material should not result in any significant adverse environmental degradation if the proper precautions are incorporated in the project. Extreme care will have to be taken to insure that all spoil is deposited and contained on the uplands. Turbid marina water and spoil runoff must be confined to the basin through employment of a diaper across the mouth. Removal of this barrier should be contingent upon the time it takes for all suspended solids to settle. Chemical flocculents could be used to decrease this time factor.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Permit No. 54-21-0449 subject to the stipulations of the environmental agencies.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation was accepted as the action of the Board.

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GLADES AND HENDRY COUNTIES - Application for Deeds, Dedication for Recreational Area, Right of Way Easements and Temporary Right of Way Easements for Spoil Areas - File No. 2498-22 and 36-253.03 (November 29, 1972)

STAFF

DESCRIPTION: 26 parcels of reclaimed lake bottom land
(See A, B, C, D, E, F, and G items below).

- A. COUNTIES: Glades and Hendry Counties.
- B. APPLICANT: Central and Southern Florida Flood Control District.
- C. APPLICANT'S
ADDRESS: Post Office Box 1671
West Palm Beach, Florida 33402
- D. ACREAGE: See items below.
- E. APPRAISAL: Not applicable.
- F. BIOLOGICAL
RESPONSES: Not applicable.
- G. STAFF REMARKS: The parcels are reclaimed lake bottom lands landward of the right of way line of the existing Lake Okeechobee levee.

The Central and Southern Florida Flood Control District by Resolution Nos. 947, January 15, 1971, and 998, December 17, 1971, requested that the parcels be made available to the District for authorized public works for Canals 20 and 21 and Levees D1 and D3. The recreational area was requested by letter of December 21, 1971.

The Department of Administration by letter of April 18, 1973, accepted the final draft of the Lake Okeechobee SAI Project No. 73-0966-E. The proposed works are a part of the project studied.

-A-

GLADES COUNTY - Application for Deed 0.448 acre.

Staff Description: A parcel of reclaimed lake bottom land in unsurveyed Section 12, Township 42 South, Range 32 East, Glades County.

Staff requests authority to issue the deed.

-B-

HENDRY COUNTY - Application for Deed 0.605 acre

Staff description: A parcel of reclaimed lake bottom land in unsurveyed Section 10, Township 43 South, Range 34 East, Hendry County.

Staff requests authority to issue the deed.

-C-

HENDRY COUNTY - Application for Dedication for
Recreational purposes 28.762 acres

Staff Description: Two parcels of reclaimed lake bottom land in Section 10, Township 43 South, Range 34 East. Hendry County.

Staff requests authority to issue dedication for the recreation site which is to be supervised by the Central and Southern Florida Flood Control District.

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-D-

GLADES COUNTY - Application for Right of Way Easement 82.153 acres

Staff Description: A parcel of unsurveyed reclaimed lake bottom land in unsurveyed Sections 29, 30, 31 and 32, Township 42 South, Range 34 East; 5 parcels in surveyed and unsurveyed Section 12, Township 42 South, Range 32 East; a parcel in unsurveyed Section 7, Township 42 South, Range 33 East; and a parcel in unsurveyed Section 14, Township 42 South, Range 33 East, Glades County.

Staff requests authority to issue the right of way easement.

-E-

HENDRY COUNTY - Application for Right of Way Easement 37.441 acres

Staff Description: 4 parcels of reclaimed lake bottom land in Sections 8, 9, and 10, Township 43 South, Range 34 East, Hendry County.

Staff requests authority to issue the right of way easement.

-F-

GLADES COUNTY - Application for Temporary Easement 21.829 acres

Staff Description: 7 parcels of reclaimed lake bottom land in Sections 29, 30, 31 and 32, Township 42 South, Range 33 East; and Section 12, Township 42 South, Range 32 East, Glades County.

Staff requests authority to issue temporary easement with expiration date December 31, 1975.

-G-

HENDRY COUNTY - Application for Temporary Easement 6.02 acres.

Staff Description: Three parcels of reclaimed lake bottom land in Sections 8, 9 and 10, Township 43 South, Range 34 East, Hendry County.

Staff requests authority to issue temporary easement with expiration date December 31, 1975.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved the applications of Central and Southern Florida Flood Control District and authorized issuance of the appropriate deeds, dedication and easements.

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PINELLAS COUNTY - Application for Quitclaim
File No. 2476-52-253.12(6)
(August 8, 1972)

STAFF

DESCRIPTION: A 0.063-acre parcel of filled sovereignty land in St. Joseph Sound abutting Section 27, Township 27 South, Range 15 East, Pinellas County.

A. APPLICANT: Helen Zutes

B. APPLICANT'S

REPRESENTATIVE: H. H. Baskin, Jr.
1275 Cleveland Street
Clearwater, Florida 33515

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- C. ACREAGE: 0.063 acre
 RATE PER ACRE: \$475 for the parcel as of June 1, 1957.
- D. APPRAISAL: Memorandum of appraisal by staff appraiser,
 March 30, 1973.
- E. PURPOSE: Not applicable.
- F. BIOLOGICAL
 RESPONSES: Not applicable.
- G. STAFF REMARKS: The applicant applied for a quitclaim deed pursuant to Section 253.12(6), Florida Statutes which provides, "Where any person, state agency, county, city or other political subdivision prior to June 11, 1957, extended or added to existing lands or islands bordering on or being in the navigable waters as defined in this section by filling in or causing to be filled in such lands, the board shall upon application therefor convey said land so filled to the riparian owner or owners of the upland so extended or added to. The consideration for such conveyance shall be the appraised value of said lands as they existed prior to such filling."

Two affidavits have been submitted which state the parcel was filled prior to January 1957 by a predecessor in title.

Applicant has submitted \$100 processing fee, \$175 appraisal fee, and \$475 for the quitclaim deed consideration.

Staff requests authority to issue the quitclaim deed for the consideration of \$475.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees authorized issuance of the quitclaim deed for \$475 as recommended by the staff.

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MARINA LICENSE RENEWALS

Requests have been submitted for renewal of the following marina licenses:

1. BROWARD COUNTY - Marina License Renewal No. ML-92
 (March 12, 1973)

APPLICANT: Hatteras of Lauderdale, Inc.
 Post Office Box 1022, Fort Lauderdale, Florida 33302

LOCATION: Section 10, Township 50 South, Range 42 East,
 New River, Broward County.

PROJECT: To renew ML-92 for one year.

PAYMENT: \$100 minimum annual fee has been received.

STAFF
 REMARKS: Field Operations Division reports that the project has been completed, conforms to specifications, and the marina license should be renewed.

Staff recommends renewal of ML-92 for one year at indicated fee.

2. ST. LUCIE COUNTY - Marina License Renewal No. ML-102
 (April 26, 1973)

APPLICANT: City of Fort Pierce, c/o Engineering Department
 Post Office Box 3191, Fort Pierce, Florida

LOCATION: Section 10, Township 35 South, Range 40 East,
 Moores Creek, St. Lucie County.

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PROJECT: To renew ML-102 for one year with waiver of fees.

STAFF

REMARKS: Field Operations Division recommends renewal.

Staff recommends renewal of ML-102 with waiver of fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved renewal of the two marina licenses for one year.

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DREDGE AND FILL REGULATIONS

Regulations relating to dredge and fill procedures and exemptions adopted pursuant to Chapter 72-261, Laws of Florida.

Pursuant to public hearing conducted May 1, 1973, by the Trustees and amendments adopted to the draft submitted to the Trustees, the additions to Chapter 18 of the Florida Administrative Code have been prepared for filing with the Secretary of State and are ready for adoption by the Trustees and filing with the Secretary of State to become effective upon the expiration of emergency rules filed with Secretary of State on February 13, 1973.

Staff recommends adoption of the rules and permission to file same with the Office of the Secretary of State.

ACTION OF THE TRUSTEES:

Mr. Christian made a motion, seconded by Mr. O'Malley, to adopt and file the rules with the Department of State.

Mr. Stone spoke of objections from marina interests and was assured that the subject rules concerned dredge and fill procedures and exemptions, to codify the procedures that the Trustees directed the staff to follow last year. Mr. Kuperberg added that there has been a great deal of misunderstanding about the marina rules that were in draft form only at this time.

The motion passed without objection.

Mr. Stone suggested that Mr. Kuperberg call those people who had expressed objections and explain that the rules adopted did not involve the marina license rules which would not be considered and adopted without a hearing.

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INDIAN RIVER COUNTY - Dredge Permit No. 253.123-1044
(December 29, 1971)

On May 2, 1972, at the applicant's request, consideration was deferred.

APPLICANT: General Development Corporation
1111 South Bayshore Drive, Miami, Florida

PROJECT: To channelize Sebastian Creek, place drop structures where drainage ditches S-7, S-8 and S-10 outfall into Sebastian Creek, and to dam and channelize part of the Elkcarn Waterway near Sebastian Creek.

LOCATION: Sebastian Creek, Indian River County

MATERIAL: All material will be placed on upland.

PAYMENT: Not tendered.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Will have adverse effects on marine biological resources.

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Game and Fresh Water Fish Commission - Recommend that application be denied due to the harmful effects on marine resources.

Department of Pollution Control - Denied certification of water quality certificate.

OTHERS: Field Operations - Will not be in the public interest.

Staff recommends denial of Dredge Permit No. 253.123-1044.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation for denial of the dredge permit was approved as the action of the Board.

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DUVAL COUNTY - Fill Permit No. 16-12-0005
(Revised December 8, 1972)

APPLICANT: Automotive Disposal Corporation
c/o Harbor Engineering Company
1615 Huffingham Lane
Jacksonville, Florida 32216

PROJECT: To construct a riprap seawall and fill approximately 3 acres of privately-owned submerged land.

LOCATION: Section 44, Township 1 South, Range 24 East, Trout River, Duval County.

MATERIAL: Fill to be obtained from upland sources.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection provided the concrete riprap is waterproofed in some manner to isolate the material to be placed behind the bulkhead which may contain materials that would be detrimental to the water quality in the river.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The revised plans are acceptable. A permanent, sloping riprap is preferable on both biological and hydrographic grounds.

Game and Fresh Water Fish Commission - Only minor biological damage will take place if adequate precautions are initiated during construction activities. It is recommended that boulder riprap be utilized where feasible and that riprap be considered permanent instead of temporary. Clean backfill should be utilized behind the bulkhead to eliminate possible pollution from seepage.

Department of Pollution Control - This department has no objection to the proposed project.

NOTE: This item was withdrawn from the April 4, 1973, agenda as a result of pending federal litigation. The case has been settled.

Staff recommends issuance of Permit No. 16-12-0005 provided the back side of the riprap wall is sealed to prevent movement of material through the wall.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board.

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LAKE COUNTY - Dredge Permit No. 35-20-0303

Based on adverse environmental reports and staff recommendation, the Trustees on April 4, 1973, denied the application of Dr. James W. Todd to dredge a channel 200 feet long and 90 feet wide in Section 28, Township 18 South, Range 27 East, Lake County, in a marsh between open water and the applicant's uplands to allow access to Lake Dalhousie and to place 1,500 cubic yards of material upon uplands behind a natural silt and runoff barrier. The applicant, unable to be present on that date, was heard today.

Dr. Todd exhibited pictures of the area from which he wanted to remove muck to gain access from his property to the open waters of the lake. He said he explored but could not use the suggested alternatives because there was no road over which trucks could haul sand to create an earthen causeway for access, and it was his understanding that no permits would be allowed for dredging for personal property.

During the discussion the Treasurer pointed out that extensive investigation was made by the staffs of the Game and Fresh Water Fish and the Trustees but none of the alternatives was acceptable to the applicant. Mr. Stone stated that the only way to have the application reconsidered was for Dr. Todd to discuss any amendments or changes with the staff to try to overcome the objections or show that there is no viable alternative to the application project.

The Trustees directed the staff to meet with Dr. Todd and re-agenda the application at the appropriate time.

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MONROE COUNTY - Dredge and Fill Permit No. 53-39-0377

Based on adverse environmental reports and staff recommendation, the Trustees on April 4, 1973, denied the application of Tropical Isles, Inc., (A. M. Adams) for extension of Trustees' Permit No. 253.03-178 for a project in Section 2, Township 67 South, Range 29 East, Big Pine Key, Monroe County, not completed because the State Pollution Control Board has not granted approval of water quality certificate. The applicant had paid \$2,120 for the fill material.

Mr. David Paul Horan, attorney representing Tropical Isles Estates and Mr. Maitland Adams, having claimed insufficient notice to be present on April 4, was granted a hearing by the Board today. Mr. Horan reviewed the history of the permit application and the moratorium that delayed the work, claiming that denial was deprivation of a man's property - the fill material purchased in 1970. Responding, the Director pointed out that the applicant dredged without permit in 1970, an aquatic preserve was established at Cupon Bight partly as a result of the issues raised by the dredging, and that current environmental studies should be made to determine whether the project should be renewed.

Mr. O'Malley made a motion, seconded by Mr. Dickinson, to extend the permit for as long as the moratorium had delayed work in the original permit period because this applicant had been precluded by the state after he had bought and paid for the fill material.

Mr. Robert A. Rounta told of his 1970 inspection of the unauthorized work and that the staff was in the process of refunding the amount paid for the material at ten cents per cubic yard in 1970, as the stabilized and productive bottom should not now be removed.

Stating that there would be extreme ecological damage if this project continued in an aquatic preserve, notwithstanding the fact that the moratorium deprived the applicant of one year's time during the three-year original permit period, Attorney General Shevin proposed a substitute motion to continue the denial but to repay the applicant for the 21,000 cubic yards of fill at the purchase rate, ten cents per cubic yard. However,

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Mr. O'Malley said the current price is \$1.50 per cubic yard and while he, too, objected to destruction in this area, the difference in price might raise a legal question.

At the Governor's suggestion Mr. O'Malley withdrew his original motion which negated the substitute motion. The Governor recommended that the staff take under study the matter of fair value for repayment to the applicant for that fill material.

Summing up the Board's action, Governor Askew said that extension of the permit was denied and the only relevant matter for further discussion was the reasonable value that the state should pay the applicant for the 21,000 cubic yards of unused fill material.

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PALM BEACH COUNTY - Dredge Permit No. 50-22-0446
(February 7, 1973)

The Trustees considered this application on April 17, 1973.

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida

PROJECT: To construct two outfalls to direct drainage
from I-95 into Lake Osborne.

LOCATION: Section 28, Township 44 South, Range 43 East, Lake
Osborne, Palm Beach County.

MATERIAL: Total of 90 cubic yards of material removed below
the line of mean high water, 55 cubic yards from
outfall No. 1 and 33 cubic yards from Outfall No. 2
to be placed on adjacent Department right of way.

PAYMENT: Not applicable. Material to be placed on state-owned
lands.

STAFF

REMARKS: Field Operations Division has no objection to this
project provided both Department of Natural Resources
and Department of Pollution Control approve.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Deferred to Game
and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - Roadway runoff
is known to contain various pollutants. Therefore,
in order to minimize the entrance of roadway con-
taminants into the lake, roadway drainage should be
directed over grass areas or passed through sand filters.

Department of Pollution Control - Certification will
not be required for the subject project, but the
applicant is cautioned that any discharge that would
directly or indirectly affect water quality in the
adjacent waterway in such a manner as to exceed the
limitations of various constituents for such waters,
as prescribed in Chapter 17-3, Florida Administrative
Code, is a violation of the water quality standards of
the State of Florida.

NOTE: Silt barriers and sodding to be utilized to minimize siltation
to the maximum extent feasible.

Staff recommends approval of Permit No. 50-22-0446, subject to the
stipulations of the Florida Game and Fresh Water Fish Commission
and the Department of Pollution Control.

ACTION OF THE TRUSTEES:

Mr. O'Malley understood that the Department of Transportation
has agreed to utilize sodding and silt barriers to the extent

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feasible to reduce any siltation into Lake Osborne. The Director said the new exhibit furnished bears out that provision.

Motion was made by Mr. Christion, seconded by Mr. O'Malley and passed without objection, approving the dredge permit.

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PALM BEACH COUNTY - Fill Permit No. 253.124-235
(Revised June 15, 1972)

APPLICANT: William E. Benjamin, II
c/o Brockway, Owen, and Anderson Engineers, Inc.
Post Office Box 3331
West Palm Beach, Florida 33402

PROJECT: To fill three submerged land areas totaling 3.337 acres and construct riprap seawalls.

LOCATION: Section 10, Township 45 South, Range 43 East, Lake Worth, Palm Beach County.

MATERIAL: Fill material to be trucked in.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations Division - The destruction of red and black mangroves and the general degradation of water quality which occurs when filling of this nature is undertaken would seemingly be contrary to current permitting policies.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed filling of these four biologically productive areas of submerged land will have definite adverse effects on marine life and wildlife in the south Lake Worth area.

Game and Fresh Water Fish Commission - The bulkheading and filling of this area would be severely detrimental to the marine ecosystem in the vicinity of the construction.

Department of Pollution Control - This department has no objection to the project as revised June 19, 1972.

OTHERS: 1. Town of Manalapan approved the project on October 16, 1970.
2. Area Planning Board of Palm Beach County offered no objection to the proposal.
3. Hypoluxo Property Owners Association objects to the filling.

NOTE: The submerged lands to be filled were approved for sale to the applicant on March 16, 1971, for \$15,890.

This item, appearing on the May 1, 1973 agenda, was deferred.

Staff recommends issuance of Permit No. 253.124-235.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that the Trustees sold the land in March of 1971 with knowledge of the applicant's fill plan.

Motion was made by Mr. Christian, seconded by Mr. Dickinson, to approve the staff recommendation.

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Attorney General Shevin said the record should show that the Trustees have made no legal finding that granting of the fill permit was required because the land was sold; rather, if the Board approved the filling it would be because of the detailed discussion of the fill project in March of 1971. He indicated he would vote against the permit, and Mr. O'Malley was concerned at the strong biological objections.

Mr. Raymond W. Royce, the applicant's attorney, reviewed the details of the sale application approved by the Board in 1971 (when Mr. Shevin and Mr. Stone had dissented), the consensus at the time being that it would be in the best interest of the environment to put the small parcels of land in usable form with trucked-in material and sloping riprap seawalls along the entire peninsula to prevent any further erosion.

Mr. Dickinson commented that the Area Planning Board of Palm Beach County, that scrutinized such projects very strictly, had no objection to this application.

Mr. Dickinson made a motion, seconded by Mr. Christian, that the Board accept the staff recommendation for approval. The motion passed on a five to two vote, with the Secretary of State and the Attorney General voting in the negative.

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MONROE COUNTY - Bulkhead Line, Dredge, Fill and Construction Permits

NOTE: This item was deferred on May 1, 1973 at the request of the Secretary of State.

APPLICANT: Ocean Reef Club
c/o Post, Buckley, Schuh & Jernigan, Inc.
10 Palm Plaza, Homestead, Florida

A. Bulkhead Line
(October 27, 1972)

PROJECT: To approve a bulkhead line adopted by the Monroe County Board of County Commissioners.

LOCATION: North end of Key Largo, Monroe County.

ECOLOGICAL

RESPONSES: Department of Natural Resources - In conjunction with the proposed bulkhead line, the applicant would set aside approximately 350 acres of productive tidal mangroves as conservation areas. Nonetheless, the proposed dredging and filling would eliminate extensive tidal flats vegetated by red mangroves and penetrated by meandering tidal creeks. The elimination of these mangrove flats and tidal creeks would constitute a substantial loss of productive marine resources. Only limited development could be accomplished in the subject area without adversely affecting marine biological resources. To best conserve marine biological resources, dredging and filling should not be permitted in tidal red mangrove areas or tidal creeks.

OTHERS: 1. Monroe County Board of County Commissioners established the bulkhead line by Resolution No. 121-1972 on October 24, 1972.

See staff recommendation after "D".

B. Phase I - Dredge and Fill Permit
No. 44-39-0369
(January 9, 1973)

PROJECT: To dredge and fill to create islands for development within a proposed lagoon area; construct riprap seawalls and bridges. Total area encompassed by this

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phase equals 254 acres. Of this area, 96 acres of open water or mangrove will be left in its natural state, 76 acres of mangrove will be replaced by a shallow lagoon and 64 acres will be utilized for residential development.

LOCATION: Section 13, Township 59 South, Range 40 East, Section 18, Township 59 South, Range 41 East, South Harbor Cay, Monroe County.

MATERIAL: 619,000 cubic yards of material to be dredged in Phases I, II and III.

PAYMENT: Not applicable. State-owned submerged lands not involved.

STAFF

REMARKS: Field Operations Division objects to this project since a very productive area will be destroyed.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Elimination of such an extensive area of intertidal red mangroves would not be in the best interest of marine biological resources.

Game and Fresh Water Fish Commission - Recommends against Phase I because of the biological damage that will occur.

Department of Pollution Control - Recommends that
1. Excavation be carried out so that no spoil is deposited in the remaining mangrove areas and siltation confined to the immediate work area. This will avoid damage to the areas that will be preserved.

2. A detailed surveillance plan be prepared and followed to ensure control of/over the construction contractor. This plan would be similar to those prepared by the Deltona Corporation and Florida Power Corporation. The preparation of and adherence to this type of a specification should be considered on all projects of this type to minimize the potential effects on local water quality.

3. In Phase II and Phase III the actual plats are not available although the drawings reflect that the artificial waterways will have homesites directly on them. These layouts should be revised to reflect all roadways directly adjacent to the artificial waterways with drainage directed away from the waterbodies. This, in essence, will tend to make the waterbodies isolated to a greater extent from those deleterious substances resulting from residences directly on the waterbodies. This will act as a buffer zone and enhance the possibility of these artificial waterbodies achieving the results sought by Rio Palenque. Clustered docking facilities could be used.

4. It is suggested that the same approach be taken in Phase I although walkways or similar barriers could be utilized in lieu of roadways.

5. Where vertical bulkheads are utilized riprap should be placed at the toe of the walls. The use of bulkheads would not be required if the recommended use of roadways as a buffer zone and clustered docking facilities are utilized.

See staff recommendation after "D".

C. Phase II - Dredge, Fill and Construction
Permit No. 44-39-0370
(January 9, 1973)

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PROJECT: To dredge a canal connecting Angelfish Creek to Card Sound and place spoil on adjacent uplands, and construct a seawall.

LOCATION: Section 6, Township 59 South, Range 41 East, Card Sound Subdivision, Monroe County.

MATERIAL: 619,000 cubic yards of material to be dredged in Phases I, II and III.

PAYMENT: Not applicable. State-owned submerged land not involved.

STAFF

REMARKS: Field Operations Division has no objection to the project, but recommends that plugs be left at both ends of the proposed channel until such time as the turbidity is at an acceptable level.

ECOLOGICAL

RESPONSES: Department of Natural Resources - This phase could be undertaken with relatively slight adverse effects to marine biological resources if the entire scrub mangrove forest and tidal creek system in the north-east part of Phase II were included in the areas to be left intact.

Game and Fresh Water Fish Commission - Recommends that (1) the mixed mangrove forest be preserved and, (2) Proposed channel excavation be moved landward of the mixed mangrove forest.

Department of Pollution Control - See comments in "B".

See staff recommendation after "D".

D. Phase III - Dredge, Fill and Construction
Permit No. 44-37 & 39-0371
(January 9, 1973)

PROJECT: To dredge a channel connecting Angelfish Creek to Little Angelfish Creek. Also, seawalls and bridges are to be constructed.

LOCATION: Sections 5 and 8, Township 59 South, Range 41 East, Angelfish Key, Monroe County.

MATERIAL: 619,000 cubic yards of material to be dredged in Phases I, II and III.

PAYMENT: Not applicable. State-owned submerged lands not involved.

STAFF

REMARKS: Field Operations Division has no objection to this project; however, caution should be taken to minimize turbidity during construction. Also, plugs should be left in canals to prevent siltation damage to adjacent mangrove habitats during excavation.

ECOLOGICAL

RESPONSES: Department of Natural Resources - If the applicant can show that the access road will not restrict the sheet flow of the mangrove area designated as Little Angelfish Key to the degree that it will cause a hastened accumulation of sediments that would remove a source of nutrients from the marine ecosystem, then this phase should have limited adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - We feel the design plan for this portion will not be extremely detrimental to fish and wildlife resources.

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Department of Pollution Control - See comments in "B".

NOTE: At agenda preparation time, one telegram has been received in opposition to the proposal, being a technical objection to the local bulkhead line approval procedure.

2. This project has been in the design and application stages for approximately two years. The applicant has retained consultants to design the project so as to be compatible with marine biological resources. A series of meetings both on-site and in Tallahassee have been held with representatives of the state's environmental agencies. The original proposal has been greatly modified in keeping with agencies' recommendations. The lands to be altered are vegetated by red, black and white mangroves. Specimen mangrove areas and areas most susceptible to tidal inundation are being preserved. It is likely that the shallow lagoons to be created in Phase I will become vegetated by seagrasses and will provide useful biological habitat.

The applicant's representative has made the following summarization: "Ocean Reef is committed to construct this project under the supervision of trained biologists and hydrographic engineers who will design and monitor every aspect of the project to insure that the stated environmental goals are met. All data assembled will be made available to the state and its agencies for their use. In addition, the applicant is agreeable to conveying to the state the bottoms of all the lagoon areas to be created along with the nearly 700 other acres being dedicated under the state wilderness act.

Staff is of the opinion that while the request to replace an existing mangrove habitat with a shallow lagoon is a relatively untried proposal, the indications are that a biologically productive area will be established and this unique development should proceed.

Staff recommends approval of the bulkhead line and Permits

44-39-0369, 44-39-0370 and 44-39-0371, subject to the stipulations that:

1. The approximate 700 acres of wetlands and submerged lands be placed in escrow for conveyance to the state upon receipt of all required permits, such conveyed lands to be designated as a state wilderness area.
2. The total preservation of the intertidal creeks in Phase II and the total isolation of golf course storm water runoff from the tidal area.
3. Final alignment and design of the Little Angelfish Key access road in Phase III to be determined through on-site inspection by the Department of Natural Resources.
4. Excavation be carried out so that no spoil is deposited in the remaining mangrove areas and siltation is confined to the immediate work area.
5. A detailed surveillance plan be prepared and followed in cooperation with the Department of Pollution Control to ensure control of/over the work.
6. Roadways or other barriers of equal or greater effectiveness acceptable to the Department of Pollution Control shall be constructed to prevent deleterious substances from entering artificial waterways in all phases.

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7. Where seawalls are essential, construction should be of riprap.
8. Clustered docking facilities are to be utilized wherever possible.
9. Final design of artificial waterways will be subject to approval of the Department of Natural Resources.
10. The applicant agrees in writing to conduct a continuing scientific program of study in cooperation with the Department of Natural Resources' biologists to obtain data as to the effects of the proposed substitution, furnishing such data to the State.
11. All excavation of the mangrove areas be carefully monitored by professional scientists to minimize environmental damage.
12. The bottoms of all lagoons to be constructed and connected to the navigable waters of the state to be conveyed into state ownership, along with the approximately 700 acres of natural habitat so that complete state jurisdiction can be maintained.
13. Hydrologic, hydrographic, and biologic parameters be measured before and immediately after construction and for a long term thereafter; the minimum parameters to be subject to approval by the appropriate members of the professional staff of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that the bulkhead line with requested work in three different phases of the project was designed in meetings with the environmental agencies of state government, involving an environmental study team.

Motion was made by Mr. Dickinson, seconded by Mr. Christian, to accept the staff recommendations for approval of the bulkhead line and permits subject to the stipulations.

Mr. William J. Roberts, attorney representing the applicant, discussed the 60-acre development planned over a period of two and a half years with expert scientific help, the proviso in the application that Ocean Reef Club will convey back into state ownership about 700 acres of surrounding mangrove lands, islands, submerged land and uplands to become part of the permanent preserve under the State Wilderness Act, the numerous modifications as a result of recommendations of various environmental agencies. Mr. Roberts affirmed that the applicant had agreed in writing to the thirteen stipulations on the agenda.

Objections of Mr. Clarence Gifford and homeowners directly across from Snapper Point were met, according to their representative, Mr. Steve Turner, by an additional stipulation recommended by Governor Askew, accepted without objection by the members and applicant, and included as the fourteenth stipulation in the permit, that the bulkhead line at Snapper Point will be located at the actual line of mean high water.

Mr. Charles Lee, appearing in behalf of the Florida Audubon Society, presented objections prepared in consultation with Dr. Edward T. LaRoe, marine biologist, calling attention to the lack of sufficient scientific information and requesting denial of the bulkhead line and permits for this large project in a very sensitive area near national and state parks.

Mr. Jerry Raymond of the law firm of Madigan, Parker, Gatlin, Truett and Swedmark, objected on behalf of the Ocean Reef Homeowners Association to development that might increase the density and destroy natural beauty and wildlife in this area.

Dr. Earl Rich, member of the technical staff of six that has worked on an ecological survey and research of the area over a period of about twenty months at the request of Ocean Reef Club to provide information for a total development plan, said that

baseline data for assessment of future changes had been under way for about a year but was not adequate for reporting at the present time. The accumulation of data from this experimental program would continue and monitoring programs had been developed to detect any detrimental results of development or long-range changes.

Mr. Morris Burk, president of Ocean Reef, summing up in favor of the application, stated that the total Ocean Reef Club area was about 2,200 acres, the experimental lagoon area involved approximately 60 acres, 700 acres was being dedicated under the Wilderness Act; and in contrast to the plan of prior ownership, Ocean Reef development will be of less density than that presently existing in previously developed areas and there are not nor will there be any highrise construction. At the suggestion of the Governor, Mr. Burk voluntarily limited the buildings to be constructed in this area to four stories in height.

A fifteenth stipulation to the permit, added without objection, was that buildings will be limited to no more than four stories in height.

Mr. Christian favored the development in view of the many requests from those in Monroe County for development and growth, the staff recommendations and the stipulations in the permit to protect the environment.

Mr. Kuperberg explained the staff approach to dredging applications, his feeling that while a novel approach, this project design involved much research and work by those of known ability, that the applicant had done everything possible short of giving its property to the state and would, in fact convey or quitclaim to the state some 700 acres of the subject lands.

Mr. Shevin expressed concern that this project would not serve as any precedent for further development in the Keys. For the record, this is a new kind of development and it does not, in any way, establish a precedent.

On the motion by Mr. Dickinson, seconded by Mr. Christian, the Board approved the bulkhead line and Permits 44-39-0369, 44-39-0370 and 44-39-0371 subject to the fifteen stipulations (thirteen shown on the agenda item and two additional stipulations included as shown in the minutes above) on a six to one vote, with Mr. O'Malley voting in the negative.

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LEON COUNTY - Easement for Cable Television
(March 23, 1973)

APPLICANT: Clearview Cable TV
Box 3172, Tallahassee, Florida

REQUEST: Easement for location of cable TV cables and facilities on the Florida A&M University campus to serve the new apartment complex under construction.

LOCATION: A portion of the Florida A&M University campus containing approximately 22 acres in Section 12, Township 1 South, Range 1 West, Leon County.

The Facilities Committee of the Board of Regents approved this request on March 2, 1973.

At the request of Treasurer O'Malley on April 17, this matter was deferred until the May 15 meeting for additional information requested by Mr. O'Malley regarding: 1) why the state is not to receive consideration for issuance of the easement, 2) whether or not construction of the apartment complex has commenced, and 3) whether a firm commitment from Clearview Cable TV has been received as to when service would be available.

May 15, 1973

Florida A & M University determined that it would be far less costly to the state to have Clearview install and maintain cable TV at its own cost rather than for the university to install a large antenna at university expense. Further, the university determined that cable TV would be more desirable than to have each student install individual antennas which would be unsightly and possibly damage the buildings.

The construction of the Women's Apartment Complex was authorized on November 27, 1972, and construction is in progress. Cable TV service is presently available on Palmetto Street at the intersection of South Adams Street, the streets on which the complex fronts.

Recommend issuance of the easement for cable TV purposes only with the understanding that charges for this cable TV service will be at a one-time installation charge of \$10 per apartment and monthly charge of \$2 per apartment and that future charges for continued service will be at the above rate or at the lowest special student bulk rate provided to those complexes housing only students, whichever is the lower.

ACTION OF THE TRUSTEES:

Mr. O'Malley said the arrangement between the housing complex at FAMU and cable TV is a definite advantage to the students in terms of cost.

On motion by Mr. Conner, seconded by Mr. Dickinson and passed without objection, the Board approved issuance of the easement for cable TV purposes only.

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OKALOOSA COUNTY - Confirm a Public Sale of Murphy Act Land
(April 24, 1973)

LAND

DESCRIPTION: All South of Railroad in W½ of Lot 1, Section 5, Township 2 North, Range 25 West, Okaloosa County, Florida, containing 3 acres, more or less.

LOCATION: This parcel of land is located approximately one mile west of Holt, Florida, on U. S. 90 and/or State Road 10 and the Louisville and Nashville Railroad. The land has approximately 540 feet of useable highway frontage running from East to West.

APPRAISAL: By staff appraiser, \$2,160.

AUTHORITY

FOR SALE: Section 197.350, Florida Statutes.

DATE OF

SALE: April 23, 1973, by Clerk of the Circuit Court of Okaloosa County, Florida.

HIGH BIDDER: Robert M. Richards and Darlie B. Richards

HIGH BID: \$2,160

Recommend confirmation of sale of this parcel of land to Robert M. Richards and Darlie B. Richards for \$2,160 plus cost of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees confirmed sale of the parcel of land under provisions of the Murphy Act.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the rules were waived for consideration of the items on the addendum agenda.

May 15, 1973

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MARTIN COUNTY - Dredge Permit No. 43-24-0513A (May 7, 1973)

APPLICANT: Town of Jupiter Island
c/o Arthur V. Strock & Associates, Inc.
829 SE Ninth Street Palm Plaza
Deerfield Beach, Florida 33441

PROJECT: To restore a portion of eroded beach 2,000 feet long at Jupiter Island. This is an emergency request to work within the area to be encompassed by the erosion control line currently being processed. The application has been filed under the provisions of Chapter 253.124(8), Florida Statutes.

LOCATION: Section 14, Township 39 South, Range 42 East, Atlantic Ocean, Martin County.

MATERIAL: 180,000 cubic yards of material to be dredged from an offshore borrow area.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations Division - Not received.

ECOLOGICAL
RESPONSES: Department of Natural Resources - If the proposed beach restoration operations are to be performed during the turtle nesting season (May through September), all turtle eggs should be transferred within 48 hours after being laid to another section of the beach. If a permit is granted for the proposed project, care should be taken not to dredge on or near reefs.

Bureau of Beaches and Shores - Does not pose objections to the Trustees of the Internal Improvement Trust Fund permit application for the advanced nourishment of the northern 2,000 feet of the Jupiter Island Beach Renourishment Project. This is based on the understanding that the following stipulations will be fulfilled: 1) The 2,000 foot area to be nourished will be subject to the provisions and regulations including erosion control line, established for the Jupiter Island Beach Renourishment Project; 2) Approval must be obtained from the Bureau of Beaches and Shores for the material to be used in the renourishment before construction can be authorized. The Bureau's decision regarding approval of the borrow material will be made after the engineer for the project has provided the following information: a. results from thorough investigations of offshore borrow site; b. results of compatibility analysis conducted between proposed borrow material and material comprising beach face.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - Not received.

Staff recommends issuance of Emergency Permit No. 43-24-0513A subject to the stipulations of the Bureau of Beaches and Shores and provided all sea turtle eggs deposited on the beach before and during construction be relocated.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the emergency permit was approved subject to the stipulations set out on the agenda.

-30-

HILLSBOROUGH COUNTY - Drainage Easement
(January 22, 1973)

May 15, 1973

This item placed on the agenda at the request of Comptroller Dickinson. Action on this item was deferred on May 1 in order to provide time for an on-site inspection by the staff.

APPLICANT: Hillsborough County

REQUEST: Drainage easement for storm sewer across University of South Florida campus.

LOCATION: 50 foot wide construction easement and a 15 foot wide permanent easement in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4, Township 28 South, Range 19 East, Hillsborough County.

The easement is 522.6 feet long located across the northern end of the golf course terminating in a lake located partially on the university campus at the north boundary of the campus. The drainage which this proposed underground storm sewer will handle is presently reaching the small lake by surface overflow. This storm sewer is one of seven proposed outfalls in the county's master drainage plan for the university area.

The Board of Regents has reviewed and approved issuance of the easement.

The Hillsborough County Environmental Protection Commission reviewed this request and commented that the input of storm sewage will degrade the water quality of the lake and in effect cause pollution which is something they could not approve.

The Executive Director on May 8 met with Commissioner of Education Christian, County Engineer Dayne Piercefield, Mr. Roger Stewart, Director of the Hillsborough County Environmental Protection Commission, Dr. Cecil Mackey, President of the University of South Florida, and others on the University of South Florida campus golf course at the site of the proposed drainage easement. At the suggestion of Commissioner Christian, it was agreed by all present that the Hillsborough County Commission would be asked to reevaluate that portion of the county's master drainage plan affecting the water quality of the state-owned lake. It was further agreed that the Hillsborough County Environmental Protection Commission would be called upon to present its position to the County Commissioners.

On May 9 the Board of County Commissioners of Hillsborough County adopted a resolution requesting the state to authorize its request for a drainage easement outfall into the small lake on the University golf course and requested the University to study the effects of the outfall to obtain meaningful data.

Staff recommends denial of easement.

ACTION OF THE TRUSTEES:

Mr. Kuperberg advised the Trustees of the circumstances of the recent meeting of the Board of County Commissioners which by unanimous vote had reaffirmed its earlier action without having heard further regarding the environmental impact. The Trustees' staff remains opposed to this proposed use of a state-owned lake as a receptacle for private properties' storm drainage.

In response to Mr. O'Malley's reference to alternatives the Director stated that the staff has asked that other alternatives be explored, that economic factors seemed to be the single factor considered here.

Governor Askew commented that the Board of Regents had approved the drainage easement and the Board of County Commissioners of Hillsborough County had adopted a resolution on May 10, 1973, requesting the easement.

Mr. Dickinson made a motion, seconded and passed on a five to two vote, with negative votes by the Treasurer and the Attorney General, that the Board grant the easement requested by the

May 15, 1973

Board of County Commissioners of Hillsborough County and approved by the Board of Regents, subject to the action of the county which in its resolution requested that the University of South Florida make a study on the effects of the drainage outfall so as to obtain meaningful data for the use of the Hillsborough County Engineering Department concerning the effects of storm water outfalling in like situations.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR
* * * * *

Tallahassee, Florida
June 5, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

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Without objection, the minutes of the meeting on May 1, 1973, were approved as submitted.

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OIL AND GAS LEASES

Request consideration of conditions to be added to Board of Trustees of the Internal Improvement Trust Fund oil and gas leases.

In the Cabinet meeting of November 9, 1971, the Governor assigned a committee to re-evaluate oil exploration policies with a view toward minimizing hazards and aiding the Board to reach future decisions on oil exploration in state-owned land and particularly in state forests. Committee meetings were held July 6 and November 8, 1972. Guidelines for gas and oil exploration in Blackwater River State Forest were submitted by the Department of Agriculture and Consumer Services, Division of Forestry. Louisiana rules and regulations for oil and gas exploration in refuge areas also provided input for the study. Several additional meetings were held with the Oil and Gas Administrator, Department of Natural Resources.

It was concluded that adding conditions to Board of Trustees' oil and gas leases would be the most effective way of minimizing the hazards of oil exploration on all state lands. General

June 5, 1973

conditions have been drawn up for Board approval. They will be further modified only as to legal wording before insertion in the leases.

Staff recommends approval of conditions to be added to Board of Trustees of the Internal Improvement Trust Fund oil and gas leases.

ACTION OF THE TRUSTEES:

At the request of the staff, this matter was withdrawn from the agenda for resubmission at a later time

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HOLMES COUNTY - Oil Lease Public Hearing

On May 18, 1973, a public hearing authorized by the Board on May 1, 1973, was held in the Town Hall of the Town of Ponce de Leon, Florida, as required by Section 253.52, Florida Statutes, to give all interested persons an opportunity to be heard with respect to issuance of a proposed oil and gas drilling lease.

The proposed lease covers Ponce de Leon State Park consisting of 370 surface acres and 276.56 net mineral acres in Sections 27 and 34, Township 4 North, Range 17 West, Holmes County. Drilling on the leased area will be prohibited.

Notice of the public hearing was published the required one time in the Holmes County Advertiser. No one appeared at the hearing in opposition to issuance of the lease.

As a portion of the area for lease lies within the corporate limits of the Town of Ponce de Leon, Section 253.61, (a), of the Florida Statutes requires that a resolution adopted by the municipality consenting to issuance of the lease be received. The town council in meeting May 17 formally adopted a resolution consenting to issuance of the lease by the Trustees.

It is recommended that the lease be issued to Sonat Exploration Company which submitted the high bid of \$4,566.01 on May 1, 1973.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board authorized issuance of the oil and gas drilling lease to Sonat Exploration Company, the high bidder.

-4-

COLLIER COUNTY - Advertise for Oil and Gas Lease
(October 13, 1972)

APPLICANT: Tribal Oil Company
Lafayette, Louisiana

REQUEST: Advertise an oil and gas drilling lease for bids.

LOCATION: All of Section 35 and W½ of Section 25, Township 48 South, Range 30 East, containing 960 surface acres, Collier County, lying approximately 12 miles Southeast of Immokalee and 3 miles East of State Road No. 29.

INTEREST
OF STATE: An undivided one-half interest in the petroleum of all of Section 35 and W½ of Section 25 for a total of 480 net mineral acres, held by the Board of Trustees.

All proceeds from the proposed lease will go to the Internal Improvement Trust Fund.

June 5, 1973

As this land lies within the Big Cypress Watershed area, the Big Cypress Advisory Committee on May 4 inspected this area and offers no objections to the Trustees offering the interest of the Trustees for an oil and gas lease.

This request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term oil and gas drilling lease with annual rental of \$1 per net mineral acre, 1/8 royalty, \$50,000 surety bond and at least one test well every 2½ years, drilled to a depth of 6,000 feet or through the Sunniland Formation, whichever is deeper.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board authorized advertisement for sealed bids as recommended by the staff.

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COLLIER COUNTY - Advertise for Oil and Gas Lease
(October 4, 1972)

APPLICANT: Phillips Petroleum Company
Houston, Texas

REQUEST: Advertise an oil and gas drilling lease for bids.

LOCATION: All of Section 31, Township 49 South, Range 31 East, surface 640 acres, more or less, Collier County, lying approximately 20 miles SE of Immokalee and one mile north of Alligator Alley (State Road #84).

INTEREST

OF STATE: An undivided ½ interest in the petroleum in all of Section 31 less the west 100 feet containing 627.88 surface acres and full interest in the petroleum in the west 100 feet containing 12.12 surface acres for a total of 326.06 net mineral acres held by the Board of Trustees. All proceeds from the proposed lease will go to the Internal Improvement Trust Fund.

As this land lies within the Big Cypress Watershed area, the Big Cypress Advisory Committee on May 4 inspected this section and has no objection to offering the interest of the Trustees for an oil and gas lease.

This request was reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term oil and gas drilling lease with annual rental of \$1 per net mineral acre, 1/8 royalty, \$50,000 surety bond and at least one test well every 2½ years, drilled to a depth of 6,000 feet or through the Sunniland formation, whichever is deeper.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board authorized advertisement of the lease for sealed bids as recommended by the staff.

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HENDRY COUNTY - Advertise for Oil and Gas Lease
(December 14, 1972)

APPLICANT: Sun Oil Company
Jackson, Miss.

June 5, 1973

REQUEST: Advertise an oil and gas drilling lease for bids.

LOCATION: 636½ surface acres in Section 35, Township 47 South, Range 33 East, Hendry County, containing 318.25 net mineral acres.

INTEREST

OF STATE: The State of Florida has an undivided one-half interest in all petroleum and petroleum products in the 636½ surface acres as a result of Murphy Act Deed No. 87 dated April 6, 1945. This section has been subdivided into many small lots in a subdivision identified as Lincoln Square Park No. 1 and No. 2.

This section is located outside of and contiguous to the Big Cypress Seminole Indian Reservation within the Big Cypress watershed area, and is crossed by State Road #833. The Big Cypress Advisory Committee inspected this land on May 4 and has no objection to the Trustees' offering the interest of the State for an oil and gas drilling lease.

All proceeds from the proposed lease will go to General Revenue unallocated.

This request has been reviewed by the Director of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term oil and gas drilling lease with annual rental of \$1 per net mineral acre, 1/8 royalty, \$50,000 surety bond and at least one test well every 2½ years drilled to a depth of 6,000 feet or to the base of the Sunniland Formation, whichever is deeper.

ACTION OF THE TRUSTEES:

The Director called attention to correction of the date of the application from 1973 to 1972.

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board authorized advertisement of the lease for sealed bids as recommended by the staff.

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MARTIN COUNTY - Grazing Lease Cancellation

LESSEE: Wayne R. Page
Post Office Box 1915
Stuart, Florida 33494

LEASE: Grazing Lease No. 2569-S dated December 21, 1971.

LOCATION: That portion of Section 16, Township 39 South, Range 41 East, lying south and west of the Sunshine State Parkway, containing 147.58 acres.

On December 21, 1971, the Trustees awarded this three-year grazing lease to the only bidder, Wayne R. Page, for annual rental of \$4.40 per acre.

Mr. Page has failed to remit his annual rental in advance for the second year of this lease prior to the date due and end of grace period provided for in the lease. Two notices have been mailed to him and no response received.

It is recommended that this lease be declared in default and terminated by reason of failure to pay rental within the period required by the lease.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the lease was declared in default and terminated as recommended.

June 5, 1973

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BAKER COUNTY - Drainage Easement
(May 9, 1973)

APPLICANT: Department of Transportation

REQUEST: Easement for drainage purposes in connection with proposed improvement of a portion of State Road 121.

LOCATION: Two lateral ditch locations containing a total of 0.11 acre in Section 18, Township 3 South, Range 22 East, Baker County, being a part of the North-east Florida State Hospital.

The Department of Health and Rehabilitative Services has reviewed and approved the issuance of the easement and comments that the easement would permit better drainage for the hospital grounds.

Recommend issuance of the easement for drainage purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the easement for drainage purposes only.

-9-

LEE COUNTY - Electric Distribution Line Easement
(March 7, 1973)

APPLICANT: Florida Power and Light Company
Miami, Florida

REQUEST: Easement for underground electric distribution line.

LOCATION: An area 15 feet wide and 23 feet long in NE¼ of Section 25, Township 46 South, Range 24 East, Lee County, containing 0.008 acre, adjacent to Estero Bay.

CONSIDERATION: \$100 offered by Florida Power and Light Company. (The consideration to adjoining owners for the remainder of the easement area was \$2,750.00 per acre. On this basis, payment to the Trustees would amount to \$24.)

This proposed easement is a continuation of a submarine distribution cable crossing in Estero Bay authorized by Trustees' Permit No. 36-24-308 dated January 31, 1973.

Recommend issuance of the easement for electrical distribution line purposes only for the consideration of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of the easement as recommended.

-10-

ORANGE COUNTY - Easement
(May 7, 1973)

APPLICANT: The School Board of Orange County
Orlando, Florida

REQUEST: Easement across state land for sanitary sewer line connection to existing lift station.

June 5, 1973

LOCATION: A 20-foot wide strip 59 feet long in the
SE¼ of SW¼ of Section 14, Township 22 South,
Range 28 East, Orange County.

The proposed easement will allow connection of the sewer line from the proposed Special Education building on land deeded by the Trustees to the Orange County School Board on June 7, 1972, to an existing lift station on land in use by the Department of Health and Rehabilitative Services as the Sunland Hospital at Orlando.

The Department of Health and Rehabilitative Services has reviewed and approved the issuance of the easement.

Recommend issuance of the easement to the School Board of Orange County, Florida, for sanitary sewer line purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the easement was approved for sanitary sewer line purposes only.

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MARINA RULES

In response to numerous letters of objection from persons affected by or interested in the proposed marina rule, further contact was made with representatives of the industry and with the Florida Boating Council. The consensus of opinion was that the draft could be considerably improved and made more palatable to the industry.

The suggestion has been made by Honorable Richard Stone, Secretary of State, that public hearings on the proposed rule be held in different parts of the state prior to the recommendation and submission of a final proposal.

Staff requests authorization to consult with and work together with a committee of the Florida Boating Council to develop a second draft of a proposed new marina rule, and to hold hearings on behalf of the Trustees on the lower east coast, the central west coast, and the northern east coast of the state to receive suggestions and information from interested and affected persons and to cooperate with appropriate industry associations on dates, places and conduct of the public hearings.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that some time ago a draft of proposed marina rules was submitted, there were some procedural problems indicated and the staff did not complete a revision. Meanwhile, a great deal of confusion has arisen in the boating industry and in order to respond to the needs of the industry as well as protect the state waters, the Secretary of State suggested holding hearings to receive information and suggestions. Mr. Kuperberg requested authority to work with the Committee of the Florida Boating Council to develop a second draft of the proposed marina rules and to hold public hearings on behalf of the Trustees.

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board of Trustees approved the procedure requested by the staff.

-12-

COLLIER COUNTY - Application for Disclaimer
File No. 2501-11-253.129
(April 27, 1973)

DESCRIPTION: 0.136 acre parcel of filled sovereignty land in Marco Bay abutting Section 5, Township 52 South, Range 26 East, Collier County.

June 5, 1973

A. COUNTY: Collier County

B. APPLICANT: Donald N. McHenry, Jr., et ux

C. APPLICANT'S
REPRESENTATIVE: William W. Smith, Tri-County Engineering, Inc.
Post Office Box 578, Naples, Florida 33940

D. ACREAGE: 0.136
RATE PER ACRE: Not applicable

E. APPRAISAL: Not applicable

F. PURPOSE: Not applicable

G. BIOLOGICAL
COMMENTS: Not applicable

H. STAFF
REMARKS: The applicant has made application pursuant to
Section 253.129, Florida Statutes, which pro-
vides "The title to all lands heretofore filled
or developed is herewith confirmed in the up-
land owners and the Trustees shall on request
issue a disclaimer to each such owner."

Two affidavits have been submitted which state that the shoreline
of the parcel has not changed noticeably since 1950.

\$100 processing fee has been submitted.

Staff requests authority to issue the disclaimer.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed
without objection, the Board authorized issuance of a disclaimer
to the applicant.

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ORANGE COUNTY - Application for Sale
File No. 2478-48-253.36
(November 18, 1972)

DESCRIPTION: A parcel of reclaimed Lake Conway bottom land
0.125 acre abutting Section 30, Township 23
South, Range 30 East.

A. CITY AND
COUNTY: Belle Isle, Orange County

B. APPLICANT: Chester R. Morgan, et ux

C. APPLICANT'S
REPRESENTATIVE: Thomas S. Recicar
P. O. Box 2967, Orlando, Florida 32802

D. ACREAGE: 0.125
RATE PER ACRE: \$1,100 for the parcel

E. APPRAISAL: By staff appraiser March 12, 1973

F. PURPOSE: Private residence

G. BIOLOGICAL
RESPONSES: Not applicable

H. STAFF
REMARKS: On May 28, 1952, the Board established a policy for
perfecting title to lands which were artificially created in
Lake Conway. In cooperation with the United States Geological
Survey and the County Surveyor of Orange County, the Board
established the elevation of the ordinary high water mark at

June 5, 1973

86.4 feet mean sea level as a result of the permanent lowering of Lake Conway.

The parcel is landward of the 86.4 contour.

Application was made to the Lake Conway Water and Navigation Control Authority under the provisions of Section 16(a), Chapter 57-1643, Laws of Florida. Advertisement was made and a public hearing held October 31, 1972. No one appeared in objection and the Authority approved the application. The applicant submits the following statements:

"I purchased the upland property in 1953 and have held title up to this date. The property in question was supposedly conveyed to me at this time also, but a subsequent survey indicated that the original government meander line severed the portion lakeward and this was actually State-owned lands.

In making the application to the Board, I felt that the public interest could be better served by including this property with the upland parcel, since there is no means of public ingress or egress to the caption property and it serves no useful public function otherwise."

The staff recommends approval of the application and requests authority to issue deed for \$1,100 consideration.

ACTION OF THE TRUSTEES:

The staff had received a commitment from the applicant's attorney as to acceptability of price.

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board approved sale of the reclaimed lake bottom land and issuance of deed to Chester R. Morgan and wife for \$1,100 consideration.

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PALM BEACH COUNTY - Application for Deed and Temporary Construction Easement, File No. 2500-50-253.03
(November 6, 1972)

DESCRIPTION: 1. For deed, 10.56 acre parcel of lake bottom land in unsurveyed Sections 20 and 21, Township 43 South, Range 35 East.
2. For temporary easement, 9 square foot parcel of reclaimed lake bottom land in unsurveyed Section 20, Township 43 South, Range 35 East.

A. COUNTY: Palm Beach County

B. APPLICANT: Central and Southern Florida Flood Control District
P. O. Box V, West Palm Beach, Florida 33402

C. ACREAGE: 10.56 acres for deed and 9 square feet for temporary construction easement.
RATE PER ACRE: Not applicable.

D. APPRAISAL: Not applicable.

E. PURPOSE: Authorized works of the district.

F. BIOLOGICAL COMMENTS: Not applicable.

G. STAFF REMARKS: 1. The parcel sought for deed is within existing right of way easement and is occupied by the Herbert Hoover Dike; fee title is required for the site of structure S-236.

2. The parcel sought for easement is landward of the dike and State Road 80.

The Central and Southern Florida Flood Control District by Resolution No. 1026 dated October 13, 1972, requested that the parcels be made available to the District for authorized public works of the District for Structure 236.

The Department of Administration by letter January 14, 1972, SPDC Project No. 72-0209, indicated that pumping station S-236 could go forward. Also, the department by letter of April 18, 1973, accepted the final draft of Lake Okeechobee SAI Project No. 73-0966-E. The proposed works are a part of the project studied.

Staff requests authority to issue the deed subject to a reversion of title to the Trustees should the subject parcel cease to be used for water control structures, and temporary construction easement with the expiration date of the easement to be December 31, 1975.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board approved issuance of the deed and temporary construction easement for the works of the District subject to reversion as recommended by the staff.

-15-

VOLUSIA COUNTY - Request to Advertise Land Exchange
File No. 2499-64-253.42 (December 6, 1972)

DESCRIPTION: Six parcels of submerged and filled submerged land abutting Section 49, Township 17 South, Range 34 East, Volusia County.

Applicant to Trustees

- A. 0.268 acre parcel of unfilled land
 - Al. 0.001 acre parcel of unfilled land
 - B. 0.338 acre parcel of filled land for street realignment
- 0.607 acre

Trustees to Applicant

- C. 0.048 acre parcel of filled land
 - D. 0.403 acre parcel of filled land
 - E. 0.010 acre parcel of filled land
- 0.461 acre

- A. CITY AND COUNTY: New Smyrna Beach, Volusia County
- B. APPLICANT: George C. Krewson, Jr., et ux
P. O. Box 565, New Smyrna Beach, Florida 32069
- C. ACREAGE: 0.461 acre, \$9,450 to applicant
AND VALUE: 0.607 acre 6,295 to Trustees
\$3,166 due the Trustees
- D. APPRAISAL: By staff appraiser on April 18, 1973.
- E. PURPOSE: Residential and street realignment.
- F. BIOLOGICAL RESPONSES: Not applicable. No submerged land is being conveyed by the Trustees.
- G. STAFF: REMARKS: By Deeds 20158 and 20159, the Trustees conveyed two parcels of submerged land to predecessors in title and the parcels were separated by a state-owned parcel held for street extension. Subsequently both parcels were partially filled and the applicant proposes to reconvey the unfilled portions of the parcels to the Trustees.

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The proposed exchange also involves the realignment of the street extension to accommodate residential-sized lots. The applicant proposes to dedicate a strip approximately 12 feet wide to join a 3-foot wide strip owned by the Trustees and extending from the cul-de-sac to the river to provide pedestrian access to the river.

William F. Wright, Building and Zoning Official, City of New Smyrna Beach, by letter of December 6, 1972, states that the plat of the subdivision has been approved by the city.

The applicant indicates that the proposal is in the public interest, as the Trustees will receive two parcels of unfilled sovereignty land and access to the river by the public will be maintained.

Recommend that the land exchange be advertised for objections only.

ACTION OF THE TRUSTEES:

The Director requested correction of 0.403 to 0.001 acre on the line on the agenda numbered "A1" under "Applicant to Trustees."

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board noted the correction and approved advertisement of the land exchange for objections only.

-16-

DADE COUNTY - Dredge Permit No. 13-39-0950E
(May 14, 1973)

APPLICANT: Des Rocher Sand Company
3660 NW North River Drive, Miami, Florida 33142

PROJECT: To dredge bay bottom sand for marine and biological study by the University of Miami Institute of Marine Science. The application was processed under the Trustees exemption rule.

LOCATION: 3,500 feet southeasterly of Cape Florida, Dade County.

MATERIAL: 1,000 cubic yards of material.

PAYMENT: \$.22 per cubic yard according to the terms of the expired lease.

STAFF

REMARKS: Field Operations recommends denial of this permit to dredge 1,000 cubic yards of gray bay bottom sand for a marine and biological study for the following reasons:

This type of activity is not compatible with the intent and purpose of the conditions for establishment of an aquatic preserve. This activity would have gradual but permanent adverse effects on the water quality and marine biological resources of Aquatic Preserve A-12.

NOTE: A representative of the applicant wishes to be heard concerning this application and the denial of the sand lease previously considered by the Board of Trustees on May 1, 1973. In light of the biological reports submitted by state and federal agencies and since dredging only to obtain fill is prohibited by the Trustees aquatic preserve resolution, staff does not feel the additional dredging should be permitted.

Staff recommends denial of Permit No. 13-39-0950E.

ACTION OF THE TRUSTEES:

The applicant's attorney had requested that the application be withdrawn from the agenda. The Executive Director further asked that the file be deactivated.

Without objection, the application was ordered withdrawn and the file deactivated.

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BROWARD COUNTY - Dredge and Construction Permit No. 06-30-0390
(Revised February 5, 1973)

APPLICANT: Ice Development Corporation
c/o Arthur V. Strock & Associates, Inc.
829 Southeast 9 Street, Palm Plaza
Deerfield Beach, Florida 33441

PROJECT: To construct a 5-foot wide wooden dock along an existing seawall and 10 wooden finger piers of various lengths, not to exceed 30 feet. Also to dredge to improve navigation at the dock site.

LOCATION: Section 30, Township 48 South, Range 43 East, Intra-coastal Waterway, Broward County.

MATERIAL: Approximately 250 cubic yards of material to be deposited on private upland.

PAYMENT: Not applicable as sovereignty lands are not involved.

STAFF
REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - If the project is not over-dredged and if silt retaining devices are employed, the project should have limited adverse effects on marine biological resources. It would be more conservative if riprap was used at the base of the seawall to provide a protective habitat for marine organisms, a site of attachment for sessile organisms and an aid to dissipate reflected wave energy. Beaches and Shores: It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission: Deferred to the Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends approval of Permit No. 06-30-0390 subject to the stipulations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board approved issuance of the permit subject to the stipulations of the environmental agency.

-18-

COLLIER COUNTY - Bulkhead Line, Permit No. 11-35-0052

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida 32304

PROJECT: To approve a bulkhead line 2,463.53 feet long established by the Board of County Commissioners of Collier County by resolution adopted May 9, 1972. Fill permit No. 11-20-0216 for this project was approved by the Cabinet on March 20, 1973.

LOCATION: Section 20, Township 48 South, Range 25 East, Wiggins Pass, Collier County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations Division has no objection to the revised application.

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ECOLOGICAL

RESPONSES: Department of Natural Resources - This department has no objection to revised application.

Game and Fresh Water Fish Commission - In order to conserve these valuable submerged lands from destruction by filling, we recommend that all filling be limited to the uplands along the lower last slope of the dune area consisting of the coastal strand vegetation.

Department of Pollution Control - This department has no objection to revised application.

NOTE: The revised application was approved by the Department of Natural Resources, Department of Pollution Control, and the Trustees' staff subject to minor modifications for aesthetic and conservation reasons to be determined by an on-site interagency inspection.

On-site inspection has been conducted and approval of the bulkhead line is needed to complete the state authorization.

Staff recommends approval of the bulkhead line.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that the other agencies had agreed the revision was the best that could be accomplished.

Mr. Shevin asked that, in the future, attention be called to areas in an aquatic preserve.

On motion by Mr. Dickinson, seconded by Mr. Conner and passed without objection, the Board of Trustees approved the bulkhead line established by the Board of County Commissioners of Collier County by resolution on May 9, 1972.

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PUTNAM COUNTY - Dredge Permit No. 54-21-0250.

As it had been learned that there might be some title question, the staff withdrew the application of St. Johns Riverside Estates, Inc., to dredge existing canals that connect to the St. Johns River and Dunns Creek in Sections 29, 30, 31, 32, 37 and 43, Townships 10 and 11 South, Range 27 East, Putnam County.

Without objection, the item was withdrawn for the staff to resolve any question of title. The staff would advise the applicant.

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CHARLOTTE COUNTY - Marina License and Construction Permit No. 08-30-0657E (April 30, 1973)

APPLICANT: Don Leach, Inc.
540 McCall Road, Englewood, Florida 33533

PROJECT: To construct a wooden dock and concrete boat ramp covering 930 square feet.

LOCATION: Section 2, Township 41 South, Range 19 East, Lemon Bay, Charlotte County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

Staff recommends issuance of Marina License and Construction Permit No. 08-0657E for one year.

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ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board approved issuance of marina license and construction permit for one year.

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POLK COUNTY - Change of marina license title and after-the-fact construction permit. Permit No. 53-30-0015 (May 3, 1973)

APPLICANT: Wellington Association of Winter Haven, Inc.
P. O. Box 1653, Winter Haven, Florida 33880

PROJECT: To change title of ML-53-30-0015 from Wellington Association, Inc. to Wellington Association of Winter Haven, Inc., and to extend dock from 50 feet to 76 feet in length.

LOCATION: Section 19, Township 28 South, Range 26 East, Polk County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF

REMARKS: Field Operations Division has conducted an on-site inspection and reports that the original construction is satisfactory.

Staff recommends approval of change of marina license title and modification of existing dock.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Board approved the change of title and modification of an existing dock.

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MARINA LICENSE RENEWALS

Requests were submitted for renewal of the following licenses:

1. MONROE COUNTY - Marina License Renewal Permit No. ML-62 (March 19, 1973)

Key Motels, Inc., c/o Bailey and Post,
Post Office Box 349, Islamorada, Florida 33036

In Section 5, Township 66 South, Range 33 East,
Bonefish Bay, Monroe County.

\$210 annual fee.

Field Operations Division has inspected the site and has no objection to renewal of ML-62.

Staff recommends renewal of ML-62 for one year.

2. OKALOOSA COUNTY - Marina License Renewal Permit No. ML-108 (April 18, 1973)

City of Fort Walton Beach
P. O. Box 1449, Fort Walton Beach, Florida 32548

In Section 15, Township 2 South, Range 24 West,
Santa Rosa Sound, Okaloosa County.

Payment waived.

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Field Operations Division has conducted an on-site inspection and recommends renewal of ML-108.

Staff recommends renewal of ML-108 for one year and waiver of payment.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Board approved renewal of the two marina licenses for one year.

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REQUEST FOR EXTENSION OF THE 120 DAY PROCESSING PERIOD

Processing of the following application has not been completed. The reason the files are not complete is noted for each.

<u>FILE AND COUNTY</u>	<u>APPLICANT</u>	<u>REASON</u>
58-31-0098 Sarasota	General Development Corporation	Comments have not been received from DPC
03-12-0117 Bay	Joe Ed Hutchinson	Comments have not been received from DPC
44-20-0170 Monroe	James D. Young	Was delayed by DPC moratorium and hydrographic study is required by DNR
44-31-0212 Monroe	Key Haven Associated Enterprises	Was delayed by DPC moratorium and hydrographic study is required by DNR
65-20-0217 Wakulla	Mobile Home Industries, Inc.	Hydrographic study is required by DNR
36-13-0238 Lee	Sun 'n Sea Properties Inc.	Comments have not been received from DNR and G&FWFC
08-24-0266 Charlotte	General Development Corporation	Comments have not been received from G&FWFC
08-35-0267 Charlotte	General Development Corporation	Comments have not been received from G&FWFC
36-20-0274 Lee	G.A.C. Properties, Inc.	Comments have not been received from DNR, G&FWFC or DPC
36-20-0273 Lee	G.A.C. Properties, Inc.	Comments have not been recieved from DNR, G&FWFC or DPC
55-21-0320 St. Johns	Norco Properties	Comments have not been received from G&FWFC
44-25-0326 Monroe	Big Spanish Cove, Inc.	Was delayed by DPC moratorium
50-12-0378 Palm Beach	August Urbanek, Tract #2	Comments have not been received from DPC
50-31-0386 Palm Beach	August Urbanek Tract #1	Comments have not been received from DPC

Staff recommends 60-day extension of the processing period for these applications.

ACTION OF THE TRUSTEES:

Mr. Kuperberg reported that the staff had handled 1,089

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applications since July 4, 1972, and those listed were the only pending applications not handled within 120 days or less.

Commending the Executive Director and staff on the expeditious work, Mr. Dickinson made a motion, seconded by Mr. Christian and passed without objection, approving the requested 60-day extension of the processing period for these 14 applications.

Without objection, the rules were waived for consideration of the following applications on the addendum agenda.

-24-

MARTIN COUNTY - Erosion Control Line and Dredge Permit
No. 43-24-0513 (March 1, 1973)

APPLICANT: Town of Jupiter Island
c/o Arthur V. Strock & Associates, Inc.
829 SE Ninth Street, Palm Plaza
Deerfield Beach, Florida 33441

PROJECT: To establish an erosion control line in accordance with the provisions of Section 161.151, Florida Statutes, for the purpose of nourishing 26,400 lineal feet of eroded beach, and to dredge 2,376,000 cubic yards from a borrow area located 3,500 feet off-shore in the Atlantic Ocean.

LOCATION: Atlantic Ocean adjacent to Sections 10, 14, 23, 25, 26 and 36, Township 39 South, Range 42 East; Sections 1 and 12, Township 40 South, Range 42 East; Sections 7 and 18, Township 40 South, Range 43 East, Martin County.

MATERIAL: 2,376,000 cubic yards of material

PAYMENT: None. Substantially all the material will be placed on sovereignty land. The Trustees' fill policy allows special consideration to be given to beach nourishment projects.

STAFF

REMARKS: Field Operations Division recommends the application be approved provided some arrangement is made for the turtle eggs in the area.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The Bureau of Beaches and Shores: Certifies that severe beach erosion has occurred in the area encompassed by the project and that this beach has been substantially destroyed and may be completely destroyed in the immediate future unless a publicly financed program is undertaken. Should a coastal construction permit be approved for the proposed beach restoration, the stipulation for protection and preservation of annual turtle nesting activities will be made a part therein. This protection and preservation will be supervised by Department of Natural Resources personnel. Survey and Management: If a permit is granted for the proposed project, care should be taken not to dredge on or near reefs.

Game and Fresh Water Fish Commission - Deferred comments to the Department of Natural Resources.

Department of Pollution Control: This department has no objections to the proposed project.

OTHERS:

1. The Town of Jupiter Island by resolution requests the Board of Trustees to establish an erosion control line for beach nourishment purposes.

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2. Division of Archives, History, and Records Management will notify this office and the applicant upon completion of the survey and analysis by the Bureau of Historic Sites and Properties of the magnetometer tapes if any necessary steps must be taken for protection of historical remains.
3. A public hearing was held after proper public notice was given.
4. Considerably more than a majority of the upland and riparian owners (computed on lineal feet of the surveyed line) have consented in writing to the establishment of the surveyed line as the erosion control line and have acknowledged their understanding of the legal consequences of their written consent.

Staff recommends that the Board establish the erosion control line as surveyed by the Town of Jupiter Island and presented for consideration of the Trustees of the Internal Improvement Trust Fund at the public hearing held May 21, 1973, at the Town Hall of the Town of Jupiter Island, and issuance of Permit No. 50-24-261 subject to the stipulations of the state agencies.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of Permit No. 50-24-261 subject to stipulations of the state agencies, and the Board established the erosion control line recommended by the staff.

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PINELLAS COUNTY - Bulkhead Line and Fill Permit No. 52-10-0116
(September 11, 1972)

On May 15 consideration of this application was deferred.

APPLICANT: Ulman - Iaegeer Company
c/o Anthony S. Battaglia
Post Office Box 12078, St. Petersburg, Florida 33733

PROJECT: To fill an area of submerged land 300 feet long and 20 feet wide.

LOCATION: Section 30, Township 31 South, Range 16 East, Boca Ciega Bay, Pinellas County.

MATERIAL: 700 cubic yards of fill to be obtained from upland sources.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations has no objections to this project provided approval has been received from the Pinellas County Water and Navigation Control Authority and the bulkhead will be placed prior to filling from upland sources.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed filling would have definite but limited adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - To best conserve existing fish and wildlife resources, this department recommends that the bulkhead line be relocated at the mean high water line and that no construction or filling take place below this point.

Department of Pollution Control - This department has no objection to the proposed project.

OTHERS: 1. The Pinellas County Water and Navigation Control Authority issued its permit as a result of a court order.

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2. The City of South Pasadena objects to the fill.
3. Pasadena Property Owners Association objects to the project.

Staff recommends denial of Permit No. 52-10-0116.

ACTION OF THE TRUSTEES:

The Executive Director stated that there were mixed reports from environmental agencies and objections from the City of South Pasadena on this permit request for a minor fill project. As the applicant's attorney had suggested another proposal that the staff would be pleased to review, Mr. Kuperberg recommended denial and submission of a new proposal.

Motion was made by Mr. Shevin, seconded by Mr. Stone, to deny the application as recommended by the staff.

Mr. L. E. Stolba, attorney for the applicant, urged approval of the permit, discussing the lawsuit involving 5-1/2 acres and the stipulation to set the bulkhead line approved by the county to allow .005 acre of fill. He said the fill was for the safety of the road and would have limited effect on the environment. In exchange for the permit his client offered one-half of his bottom land, which proposal might be evaluated by Mr. Kuperberg and agendaed for consideration by the Trustees.

The Governor said the 120-day processing policy would present no problem and he saw no reason to deny the permit if there was another approach that might be explored. Mr. Christian also felt that the other proposal should be considered, noting that the small amount of fill material was to be trucked in and not dredged.

Mr. Shevin offered a substitute motion to temporarily defer action, withdrawing his original motion for denial.

A substitute motion was made by Mr. Stone, seconded by Mr. Dickinson and passed without objection, waiving the 120-day deadline for this application, withdrawing it from the agenda and directing the staff to reagenda the matter soon with a recommendation on the proposed swap.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

Tallahassee, Florida
June 19, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew
Robert L. Shevin
Thomas D. O'Malley
Floyd T. Christian
Doyle Conner

Governor
Attorney General
Treasurer
Commissioner of Education
Commissioner of Agriculture

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Joel Kuperberg

Executive Director

Action taken by the Board at the meeting was pursuant to unanimous vote of the members present, unless the contrary is specifically reflected in the minutes.

MARION COUNTY - Rainbow River Resolution
Motion was made by the State Treasurer, seconded by the Attorney General and adopted without objection, to waive the rules for consideration of a resolution concerning the Rainbow River located principally in Marion County.

Mr. Tom Cook, president of the Rainbow River Preservation Society, Mr. Tom Sauls and Mr. Baya Harrison, Jr., Assistant Attorney General, were among those present in behalf of passage of the resolution. They were commended by Commissioner Christian for their interest and effort.

On motion by Attorney General Shevin, seconded by Treasurer O'Malley, and passed without objection, the Board of Trustees adopted the following resolution:

RESOLUTION RELATING TO THE PRESERVATION OF THE RAINBOW RIVER

WHEREAS, the Rainbow River, located principally in scenic Marion County, Florida, is described by scientists as one of the 17 remaining first magnitude spring-fed rivers in Florida, and is one of the most beautiful of its kind in the United States; and

WHEREAS, preliminary scientific data has demonstrated that the Rainbow River and its associated eco-systems have been severely harmed, in part, by development and construction along its banks; and

WHEREAS, the Marion County Commission has acted in the public interest to preserve the Rainbow River by (1) imposing a temporary moratorium on building and (2) enacted an emergency ordinance temporarily prohibiting the destruction of vegetation within 500 feet of the river on both the east and west banks of the river; and

WHEREAS, the Marion County Commission has indicated an abiding interest in an exact, geographical determination of the ordinary high water mark and a scientific delineation of the flood plain within the eco-systems of the Rainbow River so that said commission might enact further ordinances designed to protect said river and its flood plain; and

WHEREAS, the Marion County Commission has urgently requested receipt of this scientific information within 60 days;

NOW, THEREFORE, BE IT RESOLVED

That the Governor and Cabinet as the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Chapter 253, Florida Statutes, instructs its executive director to proceed with all deliberate speed to determine scientifically the ordinary high water mark along the Rainbow River. Further, the Governor and Cabinet respectfully request that the Southwest Florida Management District proceed to delineate the quality and extent of the remaining flood plain on the east and west banks of the Rainbow River. Both agencies are respectfully requested to report their findings to the Governor and Cabinet within 60 days so that their studies may be confirmed and submitted to the Marion County Commission in order that they may, acting through the exercise of its home rule powers, move swiftly to preserve the natural integrity of the Rainbow River, its flood plain and associated life systems.

Adopted by the Governor and Cabinet of the State of Florida in the City of Tallahassee this 19th day of June, 1973.

June 19, 1973

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Motion was made by Mr. O'Malley, seconded by Mr. Conner and passed without objection, to waive the rules in order to consider the Bay County matter on the addendum to the original printed agenda, and to take it up first to accommodate those present in support of the dredge permit application.

BAY COUNTY - Dredge Permit No. 03-39-1149
(May 15, 1973)

This application is placed on the agenda at the request of the Treasurer's office.

APPLICANT: U. S. Army Corps of Engineers
Waterways Experiment Station, Vicksburg, Miss. 39180

PROJECT: An experimental sand transfer system using a jet pump to pump sand from an area west of the inlet jetties to the beach face east of the jetties.

LOCATION: Section 22, Township 6 South, Range 12 West, Mexico Beach Inlet, Mexico Beach, Bay County.

MATERIAL: An undetermined amount of sand to be pumped across the inlet.

PAYMENT: Not applicable; sand to be deposited on sovereignty land.

STAFF REMARKS: Field Operations recommends that this project be approved as proposed, as it may provide a solution to similar problems.

ECOLOGICAL RESPONSES: Department of Natural Resources - While the proposed sand transfer project should not have significant adverse effects on marine biological resources, holes 100 feet long by 30 feet deep may become catch basins for fine, silty material and debris. Such areas usually will not support the variety and abundance of marine populations that occur on shallow, level, sandy bottoms. A provision should be made that the applicant fill these 30-foot-deep craters unless the monitoring program determines that to leave them would be in the best interests of marine resources. Dredging operations should cease as soon as sufficient quantitative and qualitative data are gathered on the experimental equipment. It may not be necessary to disturb all of the bottoms within the proposed 10-acre borrow area. Any possible reduction in the dredge area would help to minimize the net disturbances to the existing marine system.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - Certification not required as federal agencies are exempt under the terms of Public Law 92-500.

NOTE: The pass at Mexico Beach is unauthorized by a U. S. Army Corps of Engineers permit. The erosion being treated here is undoubtedly brought about through the existence of this unpermitted pass. It is hoped that this experimental project will not lend encouragement for other unauthorized works.

Staff recommends that the dredge permit be issued because of the pending loss of F/Y73 funding for this experimental project, subject to:

1. Placement of all spoil on sovereignty land, below the line of mean high water.
2. Receipt of letter of approval from the riparian owner.
3. That the Corps of Engineers, Mobile District, be requested to review the need for an after-the-fact permit for the pass construction.

ACTION OF THE TRUSTEES:

The Board had approved on this date a related application on the agenda of the Department of Natural Resources.

June 19, 1973

Appearing in behalf of the application, Representative William J. Rish of Port St. Joe stated that there had been a misunderstanding by the staff, as the federal and state permits for the pass had been issued. He responded to a question by the Attorney General regarding the stipulations in the staff recommendation by indicating no objection to acceptance of those provisions.

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the dredge permit subject to the three stipulations recommended by the staff.

-1-

Without objection, the minutes of the meeting on May 15, 1973, were approved as submitted.

-2-

SEMINOLE COUNTY - Confirm a Public Sale of Murphy Act Land
(May 11, 1973)

DESCRIPTION: Lot 70, Milton Square, Plat Book 3, page 36,
Public Records of Seminole County, Florida.

LOCATION: A corner lot zoned R-3-Multiple family, in an
old depressed area of Oviedo with homes in the
\$750 to \$2,500 range.

APPRAISAL: By staff appraiser, \$480.

AUTHORITY
FOR SALE: Section 197.350, Florida Statutes.

DATE of SALE: May 10, 1973, by Clerk of the Circuit Court of
Seminole County, Florida.

HIGH BIDDER: John Moore

HIGH BID: \$480

Recommend confirmation of sale of this parcel of land to
John Moore for \$480 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. O'Malley and passed
with five affirmative votes, the Trustees confirmed sale of
the land to John Moore as recommended.

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DADE COUNTY - Gas Pipeline Easement

APPLICANT: City Gas Company of Florida
c/o Sherrod & Associates
7350 NW 77 Street, Miami, Florida 33166

REQUEST: An easement 10 feet wide for natural gas distribution.

LOCATION: The west 10 feet of the east 15 feet of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$
of Section 28, Township 53 South, Range 40 East,
Dade County.

OFFER: \$675, approved by staff appraiser.

This proposed easement lies entirely within the 55 foot wide ease-
ment granted to Dade County on September 21, 1971, by Easement
No. 25256 for installation and maintenance of underground water
and sanitary sewage transmission lines. Dade County has reviewed
this request and has no objection.

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The proposed easement is on a parcel of land under lease to the Federal Aviation Administration, which agency has approved issuance of the easement.

Recommend issuance of the easement to City Gas Company of Florida for gas distribution pipeline purposes only for the consideration of \$675.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees approved the staff recommendation and issuance of the easement.

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LEON COUNTY - Land Exchange
(November 13, 1972)

APPLICANT: Board of Regents

REQUEST: Exchange of an unimproved 6.11-acre parcel of land on the western edge of the Florida State University campus for two parcels of land owned by Southern Scholarship and Research Foundation.

LOCATION: The FSU parcel is located on the west side of Stadium Drive between the West Pensacola Street overpass and the Church of Jesus Christ of Latter-Day Saints.

The Foundation property consists of a house and adjoining vacant lot at 620 West Pensacola Street and a house at 250 South Woodward Street. Both of these houses are utilized by the Foundation for student housing and lie within the main campus boundaries.

The Foundation in March of 1972 obtained an appraisal of the 6.11-acre parcel of \$152,750 and the two Foundation houses and vacant lot of \$167,575. The exchange was approved by the Board of Regents Facilities Committee on June 4, 1972.

A review of the market values of these properties by staff appraiser indicates that due to the fact that the appraisals were almost a year old, it was necessary to modify the value of the FSU parcel in light of recent market activity and a zoning change permitting higher density of use from \$152,750 to \$263,500. The FSU parcel is now valued at \$95,925 more than the two Foundation parcels.

Florida State University was notified of this value difference by the staff with the suggestion that consideration be given to conveying the 6.11 acres with a restrictive use clause in the deed restricting the use of the land by the Foundation for student housing purposes which appears to be the goal and function of the Foundation.

In view of the difference in value of the three parcels the staff is reluctant to recommend approval of the exchange on an even basis and suggests consideration be given to approval of the exchange subject to use of the land to be conveyed to the Foundation being restricted to student housing.

ACTION OF THE TRUSTEES:

Mr. Kuperberg advised that by its wording the following resolution dated June 19, 1973, from the Executive Committee of the Southern Scholarship and Research Foundation resolved the question of the staff regarding the restriction to student housing.

R E S O L U T I O N

WHEREAS, on April 13, 1955, the Southern Scholarship and Research Foundation was incorporated under the provisions of the laws of the State of Florida as a non-profit, benevolent

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association with its principal purpose the provision of co-operative housing scholarships together with competent supervision to worthy students of high intellectual potential who are without the financial means to pursue a collegiate program without outside assistance; and,

WHEREAS, since its incorporation in 1955, this Foundation has acquired and now operates immediately adjacent to the campus of Florida State University 15 student scholarship houses dedicated to the aforesated purposes; and,

WHEREAS, all of the houses operated by this Foundation are old requiring constant repairs and several are in the path of planned University expansion; and

WHEREAS, Florida State University did tender to this Foundation a proposed exchange of property by which the University would receive three parcels of Foundation property needed by the University's expansion program and the Foundation in turn would receive 6.11 acres of undeveloped woodland on the periphery of the campus suitable for the construction of new and modern scholarship houses; and,

WHEREAS, said proposed property exchange has been accepted by the Foundation under conditions as amended by the Board of Regents at its meeting of June 5, 1973; and

WHEREAS, the State of Florida Board of Trustees of the Internal Improvement Trust Fund requests the Foundation's assurance that the 6.11 acre tract which would be deeded to the Foundation under the terms of this proposed property exchange will be used by the Foundation only for the purpose of student scholarship housing;

NOW, THEREFORE, the Executive Committee of the Southern Scholarship and Research Foundation meeting in Tallahassee, Florida, this 19 day of June, 1973, does hereby assure the State of Florida Board of Trustees of the Internal Improvement Trust Fund that this Foundation has no plans for the use of said 6.11 acres other than for the building of student scholarship housing and a Foundation Office and a Central Services Building, all of which would be devoted entirely to the continuation of the scholarship program that the Foundation has developed over the past 20 years; and, further, that the property will be used for no other purpose.

The 6.11 acres aforesated is legally described as follows:

Begin at the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 35, Township 1 North, Range 1 West, and run thence South 00 degrees 05 minutes 50 seconds East, 99.80 feet; thence run South 10 degrees 09 minutes 10 seconds West, 218.27 feet to a point on the East right-of-way line of the old S.A.L. railroad; thence run North 13 degrees 13 minutes 50 seconds West along said railroad right-of-way, 322.18 feet; thence leaving the railroad right-of-way run North 89 degrees 29 minutes 10 seconds East, 111.95 feet to the Point of Beginning, containing 0.45 acre, more or less.

ALSO,

Begin at the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 35, Township 1 North, Range 1 West, said point is a concrete monument being N. 34°23'35" W. - 50.04 feet from an iron pipe at the center line of an old railroad track and S. 70°05'40" W. - 69.17 feet from a nail in a bottle cap at the intersection of the centerline of an old railroad track and the centerline of a 20 foot paved road, thence run S. 89°29'10" W. - 111.95 feet to the East right-of-way line of the Old S.A.L. R.R., said point

being a concrete monument N. 89°29'10" E. - 102.76 feet from a concrete monument on the West right-of-way of said S.A.L. R.R., thence along said right-of-way run N. 13°13'50"W. - 270.95 feet to a point of curve, thence along said curve, with a central angle of 54°24' and a radius of 1,482.4 feet, an arc distance of 860.69 feet to a concrete monument, thence leaving said right-of-way run S. 89°52'50" E. - 595.70 feet to a concrete monument being S. 30°06'50" E. - 27.83 feet from the Southwest corner of a concrete bridge and S. 47°03'40" W. - 41.25 feet from the Southeast corner of said concrete bridge also being S. 00°05'50" E. - 330.0 feet from a concrete monument which is the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 35, Township 1 North, Range 1 West, thence run S.00°05'50" E. - 1,000.8 feet to the Point of Beginning.

Adopted by the Southern Scholarship and Research Foundation in the City of Tallahassee on this the 18th day of June, A. D. 1973.

SOUTHERN SCHOLARSHIP AND
RESEARCH FOUNDATION

BY: W. H. Bevis
President

* * * * *

The Secretary of State had indicated by letter his approval of this land exchange.

On motion by Mr. Conner, seconded by Mr. O'Malley and passed with five affirmative votes, the Trustees approved the land exchange as requested by the Board of Regents.

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WAKULLA COUNTY - Fill and Construction Permit No. 65-38-0814E
(March 21, 1973)

APPLICANT: Wakulla County Board of County Commissioners
Post Office Box 337, Crawfordville, Florida 32327

PROJECT: To construct a boat ramp and bathing beach.

LOCATION: Section 24, Township 5 South, Range 2 West, Dickerson Bay, Panacea, in Wakulla County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division - The shoreline and adjacent submerged bottoms are heavily vegetated along the entire length of the park area. Also, a marsh area is located on the site of the boat ramp parking area.

The bathing beach will present a problem in construction as the adjacent bottom is mucky and vegetated and will make a poor beach unless dredged and filled. The boat ramp itself should be no problem since it is small and only a minimum of bottomland will be altered. However, the upland parking lot above the ramp will involve filling a small marsh area, most of which appears to be below the mean high water line since it is flooded during a normal high tide.

More detailed plans of the beach should be secured. Also, a mean high water line survey of the entire area should be made to determine the extent of public and private lands. Some alteration of

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the ramp location may be necessary if the marsh is below the mean high water line and in state ownership.

NOTE: Trustees' staff will attempt to coordinate a review of this project in an effort to find an alternate plan to allow development of the park.

Staff recommends this exemption application not be approved as marsh grasses defined in Trustees' Rule 18-2.095 occur in the area, and that the applicant be requested to refile the application under normal permitting procedures.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said that two objectors present indicated that they did not wish to be heard in view of the staff recommendation that the exemption application not be approved and the application be refiled under normal permitting procedures.

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the staff recommendation was accepted as the action of the Board.

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VOLUSIA COUNTY - Disclaimer Application, File 2477-64-253.129
(September 7, 1972)

STAFF DESCRIPTION: A parcel of filled sovereignty land in the Halifax River abutting Gov't. Lots 3 and 4, Section 27, Township 15 South, Range 33 East, (Identified on the map as CLASS "A" land).

- A. CITY AND COUNTY: South Daytona, Volusia County
- B. APPLICANT: Bellemead Development Corporation
- C. APPLICANT'S REPRESENTATIVE: Roy E. Kinsey, Attorney
Post Office Box 3096
Daytona Beach, Florida 32018
- D. ACREAGE: 9.70 acres
RATE PER ACRE: Not applicable.
- E. APPRAISAL: Not applicable.
- F. PURPOSE: Not applicable.
- G. BIOLOGICAL RESPONSES: Not applicable.
- H. STAFF REMARKS: Application is made under the provisions of Section 253.129, Florida Statutes, which states "The title to all lands heretofore filled or developed is herewith confirmed in the upland owners and the trustees shall on request issue a disclaimer to each such owner."

Two affidavits have been submitted which state that the parcel was filled prior to May 29, 1951, and may have been filled as early as 1932 or 1937.

\$100 processing fee has been paid.

Staff requests authority to issue the disclaimer.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Christian and passed with five affirmative votes, the Board authorized issuance of the disclaimer to Bellemead Development Corporation.

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VOLUSIA COUNTY - Quitclaim Application, File 2477-64-253.12(6)
(September 7, 1972)

STAFF DESCRIPTION: A parcel of filled sovereignty land in the Halifax River, westerly of Gov't. Lots 3 and 4, Section 27, Township 15 South, Range 33 East (Identified on the map as CLASS "B" land).

- A. CITY AND COUNTY: South Daytona, Volusia County
- B. APPLICANT: Bellemead Development Corporation
- C. APPLICANT'S REPRESENTATIVE: Roy E. Kinsey, Attorney
Post Office Box 3096
Daytona Beach, Florida 32018
- D. ACREAGE: 7.00 acres
RATE PER ACRE: \$1,500 for the parcel as of June, 1957.
- E. APPRAISAL: By staff appraiser May 3, 1973.
- F. PURPOSE: Not applicable.
- G. BIOLOGICAL REMARKS: Not applicable.

H. STAFF REMARKS: The applicant applied for a quitclaim deed pursuant to Section 253.12(6) Florida Statutes, which provided that "Where any person, state agency, county, city or other political subdivision prior to June 11, 1957, extended or added to existing lands or islands bordering on or being in the navigable waters as defined in this section by filling in or causing to be filled in such lands, the board shall upon application therefor convey said land so filled to the riparian owner or owners of the upland so extended or added to. The consideration for such conveyance shall be the appraised value of said lands as they existed prior to such filling."

Two affidavits have been submitted which state that the parcel was filled by the applicant prior to June 11, 1957.

\$100 application fee and \$175 appraisal fee have been paid.

Staff requests authority to issue the quitclaim for the consideration of \$1,500.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Christian and passed with five affirmative votes, the Board authorized issuance of the quitclaim as recommended.

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COLLIER COUNTY - Dredge Permit No. 11-22-0337
(January 17, 1973)

- APPLICANT: Florida Naples Development, Inc.
c/o Black, Crow & Eidsness, Inc.
1165 Eighth Street South, Naples, Florida
- PROJECT: To dredge a drainage canal 50' wide and 1,030' long, on applicant's upland property to connect with a county drainage canal.
- LOCATION: Section 25, Township 48 South, Range 25 East, Collier County.
- MATERIAL: Approximately 7,200 cubic yards of material.
- PAYMENT: Not applicable. State-owned submerged land not involved.

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STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - These plans have been reviewed by this office and our Division of Interior Resources and have been found to be acceptable. The Division of Interior Resources comments further: "There is no reference to water supply or sewage disposal in the correspondence describing this development. The attention of the developer should be directed to Part II, Chapter 72-299, Florida Law, 'Permitting of Consumptive Uses of Water' and the Department of Pollution Control should be consulted on the sewage treatment in this area. These are the only problem areas we can visualize in this development."

Game and Fresh Water Fish Commission - This agency offers no objections to the project provided that water quality standards of the Department of Pollution Control are met.

Department of Pollution Control - This department has no objection to the proposed project.

Staff recommends issuance of Permit No. 11-22-0337.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, issuance of the permit was approved.

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DUVAL COUNTY - Dredge Permit No. 16-21-0240
(November 14, 1972)

APPLICANT: Jacksonville Port Authority
P. O. Box 3005, Jacksonville, Florida 32206

PROJECT: Maintenance dredging to maintain navigation depths (-38 feet mean low water) at Tallyrand Docks and Terminals, and dispose of spoil in a 33-acre existing spoil area in the St. Johns River.

LOCATION: Section 8, Township 2 South, Range 27 East, St. Johns River, Duval County.

MATERIAL: 145,000 cubic yards to be deposited in existing authorized river spoil area.

PAYMENT: Not applicable. Submerged lands owned by Jacksonville Port Authority.

STAFF

REMARKS: Field Operations Division recommends that the open water spoil site be used for as short a time as possible, until Jacksonville Port Authority can make arrangements for upland spoiling.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed maintenance dredging should not significantly affect the St. Johns River biological resources.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control - This department recommends approval of the project with the stipulation that the open water spoil area (Grassy Point) be phased out at the end of 1973.

Staff recommends issuance of Permit No. 16-21-0240 with the stipulation that the open water spoil area will not be used after December 31, 1973.

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ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees approved the dredge permit subject to the stipulations as recommended.

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HIGHLANDS COUNTY - Construction Permit No. 28-39-0330.

Consideration of the application of A & D Inc. of Lake Placid to relocate a canal control structure and extend a seawall in Section 30, Township 36 South, Range 30 East, Highlands County, was deferred at the request of the office of the Governor.

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HILLSBOROUGH COUNTY - Bulkhead Line, Dredge and Fill Permit
No. 29-35-0831, 29-31-0832 (February 13, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: To approve bulkhead lines in McKay Bay, one 920.37 feet long and the other 1,113.76 feet long, established by the Tampa Port Authority by resolution No. 73-2 adopted February 13, 1973. 1.51 acres of submerged land will be filled and 203.59 cubic yards of material will be dredged.

LOCATION: Section 29, Township 29 South, Range 19 East, McKay Bay, Hillsborough County.

MATERIAL: 203.59 cubic yards to be dredged and placed on the road right of way.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations has no objection.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed bulkhead lines and filling for bridge approaches should have only limited adverse effects on marine life and wildlife. Beaches and Shores: It appears improbable that this project will have significantly adverse hydrographic effects. It is recommended, however, that stone riprap be placed along the vertical seawalls to reduce wave reflection and scouring action.

Game and Fresh Water Fish Commission - This agency has no objection. We recommend that the immediate area being dredged be encircled by silt barriers.

Department of Pollution Control - February 9, 1973: This department has no objection. April 23, 1973: This department has no objection to dredging for storm drains but we see no reason for the fill on the bridge approaches.

Staff recommends approval of the bulkhead line, dredge and fill permit subject to the recommendations of the Game and Fresh Water Fish Commission, and that the amount of fill be reduced to only that amount necessary to insure the safety of the structure.

ACTION OF THE TRUSTEES:

Mr. Kuperberg called attention to the lifting by the Department of Natural Resources, Bureau of Beaches and Shores, of the riprap requirement and requested deletion of that agency in the staff recommendation.

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On motion by Mr. O'Malley, seconded by Mr. Conner and passed without objection, the Trustees approved the amended staff recommendation as the action of the Board.

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MARTIN COUNTY - Dredge Permit No. 253.123-1190
(Revised May 23, 1973)

APPLICANT: John V. Wible, c/o C. Calvert Montgomery
P. O. Box 92, Stuart, Florida 33494

PROJECT: To construct a lake with overflow drainage to Mapp Creek and a boat ramp and marina basin (90 by 30 by 3 feet) on the south side of the creek.

LOCATION: Tract 1, Block 36, St. Lucie Inlet Farms, Hanson Grant, Mapp Creek, Martin County.

MATERIAL: Approximately 200 cubic yards of material to be dredged from state-owned submerged land.

PAYMENT: \$100 received as payment for material at standard rate.

STAFF

REMARKS: Field Operations - This project will provide a high density dockage and camping facility with minimal environmental impact. I recommend the application be approved contingent upon receipt of a confirming letter from the engineers, indicating:

1. That the area indicated to be preserved in Enclosure 1 be retained in its natural state with construction limited to the placement of elevated boardwalks. This will provide wildlife habitat and a buffering area for a runoff from the interior lake.
2. That banks associated with the marina have slopes of 3:1 or greater to provide maximum intertidal habitat.
3. That depths in the lake be limited to 5' or less, and that the banks have slopes of 3:1 or greater.
4. That excavation for the boat ramp be limited to upland areas, and that the construction be limited to the placement of pre-formed concrete planks.

ECOLOGICAL

RESPONSES: Department of Natural Resources - "The revised application, in general, follows recommendations made by State conservation agencies at a meeting with the applicant on March 14, 1973. At this meeting, the formation of a shallow shoreline suitable for mangrove growth was recommended along with a boardwalk access to the marina to conserve the vegetated flood plain along Mapp Creek. Vegetated flood plains play an important role in maintaining water quality in our estuaries and the permit, if granted, should stipulate that the proposed marina construction be performed with minimum disturbance to the flood plain."

Game and Fresh Water Fish Commission - Our environmental staff has reviewed the above revised sketches of the John Wible project in Martin County and has no objection to this operation as proposed.

Department of Pollution Control - Approval of the project by this Department would be contingent upon the following:

1. Eliminate proposed canal and substitute an internal lake with overflow control upland of the existing flood plain. This appears to be agreeable as shown on the application.
2. Preserve the flood plain area for storm water and lake overflow buffer. This has not been done as the drawings imply that this flood plain would be eliminated.

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3. Any marina should be located adjacent to high ground along the creek bank with minimal or no dredging involved. This has not been done as the docking facilities are shown in the flood plain (mangrove area).

Based on the above it is recommended that the applicant be advised to revise the project to reflect the above. The docking facilities should be located adjacent to Lot No. 1 and the mangrove area in Lots 2, 5 and 6 should be retained. This will greatly reduce the effect that the project will have on water quality.

Staff recommends issuance of Permit No. 253.123-1190 subject to the stipulations of the Department of Natural Resources and the Trustees of the Internal Improvement Trust Fund's Field Operations.

ACTION OF THE TRUSTEES:

The application had undergone massive revisions recommended by the environmental agencies, the Director stated.

On motion by Mr. Conner, seconded by Mr. O'Malley and passed without objection, the staff recommendation was approved as the action of the Board.

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PINELLAS COUNTY - Public Hearing to Establish Erosion Control Line

APPLICANT: City of St. Petersburg Beach
c/o Gee & Jenson Consulting Engineers, Inc.
2019 Okeechobee Boulevard
West Palm Beach, Florida 33401

PROJECT: To establish an erosion control line in accordance with the provisions of Section 161.51, Florida Statutes, for the purpose of nourishing 2,456.00 lineal feet of eroded beach.

LOCATION: Gulf of Mexico adjacent to Section 36, Township 31 South, Range 15 East and Section 1, Township 32 South, Range 15 East, Pinellas County.

MATERIAL: 175,000 cubic yards of material for beach nourishment will be obtained from offshore borrow areas.

PAYMENT: None. Material will be placed on sovereignty land.

ECOLOGICAL

RESPONSES: Department of Natural Resources, Bureau of Beaches and Shores, certifies that severe beach erosion has occurred in the area encompassed by the project, that this beach has been substantially destroyed and may be completely destroyed in the immediate future unless a publicly financed program is undertaken.

OTHERS: Board of Commissioners of the City of St. Petersburg Beach by Resolution No. 390 adopted on April 3, 1973, requests the Board of Trustees to establish an erosion control line for beach nourishment purposes.

NOTE: The project area is within Aquatic Preserve G-19.

Staff requests the Board of Trustees to authorize the Executive Director to designate a member of his staff to hold the public hearing for the erosion control line proposed for the City of St. Petersburg Beach, Florida.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the staff recommendation was approved as the action of the Board

Mr. Kuperberg distributed to each member copies of a report from Benton and Company on shell dredging in Tampa Bay and copies of

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a proposal for the University of South Florida to do long-term research work that will be financed by the Benton and Company and Bay Construction Company shell dredging firms through a grants-and-donation trust fund in accordance with the conditions of the December 12, 1972, approval of dredge permits providing for long-range studies of the effects of shell dredging. Mr. Kuperberg said if there was no objection from the Board the staff would proceed with this proposal.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST: 
EXECUTIVE DIRECTOR
* * * * *

Tallahassee, Florida
July 10, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commission of Education

Joel Kuperberg Executive Director

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The minutes of the meeting of June 5, 1973, were approved as submitted.

WAKULLA RIVER LITIGATION

At the Executive Director's request the Trustees heard their general counsel, Kenneth Oertel, review Circuit Court Judge Hugh Taylor's final judgment in litigation commonly identified as the Wakulla River suit. Under the Environmental Protection Act the plaintiff, Tom Morrill, had sued Edward Ball, the Wakulla Silver Springs Company, and the Trustees.

Mr. Oertel said the board participated in the suit solely to establish that the river was navigable and sovereignty land of the State of Florida, and the final judgment contained findings of fact that affect the Trustees as the judge found that the Wakulla River is not a navigable river and is privately owned by Ed Ball and the Ed Ball Foundation, owner of the surrounding upland. Mr. Oertel recommended that the Trustees file an appeal in this case because the facts in the case lead him to conclude that the river is clearly navigable and is state-owned.

Before making a decision to appeal, Mr. O'Malley expressed his concern that the case might have far-reaching effects in the future depending upon the outcome of any appeal. He asked for copies of the judgment, a summarization of the final hearing and those portions of evidence and law that the judge relied on to justify his finding and those on which counsel would base an appeal.

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Mr. Dickinson concurred with the Treasurer, stating that the judge's opinion was quite far-reaching, his definition of navigability appeared extremely broad in terms of commercial enterprises only, and in view of wetlands decisions made by the board it was very important to have the requested information from Mr. Oertel.

Governor Askew stated that a decision to appeal should be considered very seriously. He and Attorney General Shevin asked several questions regarding an appeal, legal questions involved in navigability or non-navigability of the river, and the state's regulatory powers that might not be limited by ownership or navigability of the river.

The consensus of the members was to defer action on a decision to appeal pending receipt and review of the information requested from the Board's counsel.

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LEVY COUNTY - Aquaculture Lease No. 2454

APPLICANT: Staff request

PROJECT: International Oceanographic Corporation, Levy County, Cancellation of Aquaculture Lease No. 2454

LOCATION: 65 acres, more or less, in the Gulf of Mexico.

PAYMENT: First 3½ years, \$4.00 per acre, plus \$5.00 per acre for each acre under cultivation.

STAFF

REMARKS: On January 3, 1973, a letter was sent of Mr. Myron Wick, III, 135 East Putnam Avenue, Greenwich, Connecticut 06830, representing International Oceanographic Corporation, reminding him that the annual rental was due on February 1, 1973. No response was received. On April 5, 1973, a second letter was sent Certified-Return Receipt (which was received), enclosing copy of the January 3rd letter and stating that the Board has the option to terminate this lease but would await his response before doing so. To date no acknowledgement nor any payment on the lease has been received.

Staff recommends cancellation of Lease No. 2454 due to non-payment of rent and failure to comply with the provisions of the lease, viz, furnishing annual statement of financial positions and net income from the operations under the lease.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Dickinson and Mr. Shevin, passed without objection, to approve the staff recommendation as the action of the Trustees.

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ESCAMBIA COUNTY - Right of Way Easement, File No. 2456-17-253.03
(April 25, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: Storm sewer construction for State Road 399.
Dredging is required.

LOCATION: 0.04-acre parcel of sovereignty land in Little Sabine Bay, Santa Rosa Island, Township 3 South, Range 29 West, Escambia County.

PAYMENT: None

STAFF

REMARKS: The Field Operations Division has no objections

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provided proper turbidity controls are maintained.

ECOLOGICAL

RESPONSES: Department of Natural Resources - no objection
Game and Fresh Water Fish Commission - no objection
Department of Pollution Control - no objection

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the right of way easement to the Department of Transportation.

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ESCAMBIA COUNTY - Dredge Permit No. 253.123-1145
(April 25, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: To dredge in order to construct an outfall.

LOCATION: State Road 399 in Little Sabine Bay, Escambia County.

MATERIAL: 1.5 cubic yards to be removed.

PAYMENT: None

STAFF

REMARKS: Field Operations has no objection to issuance of the permit provided proper turbidity controls are maintained during the dredging.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The construction of the outfall should not adversely affect marine biological resources.

Game and Fresh Water Fish Commission - This agency has no objection to the project as proposed.

Department of Pollution Control - The project is acceptable to this department.

Staff recommends issuance of Permit No. 253.123-1145 provided turbidity is held to a minimum during dredging.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the permit subject to the provision recommended by the staff.

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PINELLAS COUNTY - Right of Way Easement, File No. 2503-52-253.03
(April 27, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: Bridge construction for Corey Causeway, Road 690, the project requires some dredging for storm sewer outfall.

LOCATION: Two parcels embracing 2.483 acres in Boca Ciega Bay, abutting Section 36, Township 31 South, Range 15 East, and Section 30, Township 31 South, Range 16 East, Pinellas County.

PAYMENT: None

July 10, 1973

STAFF

REMARKS: The Field Operations Division has no objection to the project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - no objection.

Game and Fresh Water Fish Commission - no objection.

Department of Pollution Control - no objection.

Staff requests authority to issue the right of way easement subject to acquisition of the abutting uplands by the Department of Transportation.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the right of way easement to the Department of Transportation subject to the provision recommended by the staff.

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PINELLAS COUNTY - Dredge and Construction Permit No. 52-39-0820
(April 27, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: To construct a new bridge over Boca Ciega Bay parallel to an existing span and install three outfalls.

LOCATION: Township 31 South, Range 15 East, State Road 690,
Boca Ciega Bay, Pinellas County.

MATERIAL: 24 cubic yards of material will be deposited on
highway right of way.

STAFF

REMARKS: Field Operations Division has no objection to this project.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The proposed excavation should not have significant adverse effects on marine life.

Game and Fresh Water Fish Commission - The proposal should not have significant adverse environmental effects.

Department of Pollution Control - This department has no objection to this project.

Staff recommends issuance of Permit No. 52-39-0820.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the dredge and construction permit to the Department of Transportation.

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FRANKLIN COUNTY - Artificial Reef Permit No. 19-32-0570
(March 19, 1973)

APPLICANT: Greater Apalachicola Chamber of Commerce
P. O. Box 39, Apalachicola, Florida 32320

PROJECT: To construct an artificial reef using automobile bodies, concrete and rubble.

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LOCATION: Latitude 29°31'12"N, Longitude 85°07'36"W, Gulf of Mexico, approximately 5 statute miles southwest of Cape St. George.

MATERIAL: Approximately 300 automobile bodies, 100 cubic yards of concrete and masonry rubble.

STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL
 RESPONSES: Department of Natural Resources: Survey and Management - Construction of the proposed reef should not materially disturb existing marine systems and will provide additional habitat for proagation of marine life. As automobile bodies are not permanent or durable reef materials, they should be properly secured together before they are placed on bottoms in the subject area.

It is presumed that every effort will be made to remove from the automobiles those materials which would contribute to the degradation of the environment into which they will be placed.

Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse effects.

Game and Fresh Water Fish Commission - This agency offers no objection to this project.

Department of Pollution Control - Please be advised that this Department has no objection to the proposed subject project provided that automobiles or their associated parts which may contain oil, gasoline, grease, etc., are properly drained.

Staff recommends approval of Permit No. 19-32-0570 subject to stipulations of Department of Natural Resources and Department of Pollution Control.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the permit was approved subject to the stipulations of the environmental agencies.

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SARASOTA COUNTY - Dredge and Construction Permit No. 58-39-0833
 (May 2, 1973)

APPLICANT: Department of Transportation
 Haydon Burns Building, Tallahassee, Florida

PROJECT: To construct a bridge across Phillippi Creek at Proctor Road and construct two 54-inch pipe lines for storm run-off with stilling basins for control of siltation.

LOCATION: Sections 5 and 8, Township 37 South, Range 18 East, Phillippi Creek, Sarasota County.

MATERIAL: 322 cubic yards of material.

PAYMENT: Not applicable, fill to be placed on right of way.

STAFF

REMARKS: Field Operations Division recommends approval of the project.

ECOLOGICAL
 RESPONSES: Department of Natural Resources - Proposed revisions, including the use of an existing lagoon on the east side of Phillippi Creek, may help retard the discharge of silt and debris.

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The applicant should also construct a retention basin on the west side of Phillippi Creek to help retard the discharge of silt and debris. Overflow structures should be designed to retain flotsam (foam cups, etc.). The use of retention ponds on the upland and settling basins adjacent to Phillippi Creek would help protect water quality.

Game and Fresh Water Fish Commission - This department is of the opinion that a silting basin will be necessary at the end of each 54" pipe.

Department of Pollution Control - This department has no objection to the proposed project.

NOTE: April 30, 1973: Department of Transportation agrees to add silt basins at the end of each pipe in accordance with recommendations.

Staff recommends issuance of Permit No. 58-39-0833.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the permit was approved.

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BAY COUNTY - Dredge Permit No. 253.123-1041
(Revised May 1, 1973)

APPLICANT: Heritage Homes of Ft. Walton, Inc.
c/o Hall, Hartwell & Hall
P. O. Drawer 840, Tallahassee, Florida

PROJECT: To construct a yacht basin and docking facility with boat ramp at Venetian Villa; also, to construct adequate plugs in existing upland canals which will not be connected to the bay.

LOCATION: Section 18, Township 3 South, Range 14 West, North Bay, Bay County

MATERIAL: 3,800 cubic yards of material to be dredged from state-owned lands, 1,540 cubic yards to be dredged from privately-owned submerged lands and 76,980 cubic yards to be dredged from private uplands. Applicant offers to convey 13½ acres of submerged lands to the State in lieu of payment for fill.

STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL

RESPONSES: Department of Natural Resources has no objection to the proposed project.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control has no objection to the proposed project.

Staff recommends issuance of Permit No. 253.123-1041 upon receipt of the deed to the submerged lands.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said a long-standing disagreement between state agencies and the applicant had been resolved to the satisfaction of all state agencies.

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Trustees.

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BAY COUNTY - Dredge Permit No. 03-39-0630E
(April 23, 1973)

APPLICANT: Roger A. Gurner, et al
Rt. 2, Box 4699, Panama City, Florida 32401

PROJECT: To dredge an existing canal that was dug without a permit. The application was filed under the Trustees' exemption rule.

LOCATION: Section 17, Township 4 South, Range 13 West, Callaway Bayou, Bay County.

MATERIAL: Approximately 3,800 cubic yards.

PAYMENT: Not applicable, state-owned land not involved.

STAFF

REMARKS: Field Operations Division recommends denial and

1. Suggests removal of the county drain culvert which empties into the head of the canal, and replacement with a grassed swale or complete redirection of this dirt road drainage to the natural filtered drainage basin before it reaches East Bay;
2. Does not recommend completion of canal for the following reasons: (a) canal was dug without a permit, (b) canal is large enough to cause water quality problems normally associated with canals, (c) there is an obvious septic tank seepage problem as was detected by Trustees' field inspectors, (d) canal empties into class II waters;
3. Recommends a community boat basin approximately 100 feet long at the north of the canal, with remainder of the canal to be filled in.

Staff recommends denial of Permit No. 03-39-0630E and that the applicant reapply under full permitting procedures.

ACTION OF THE TRUSTEES:

Stating that he was present on behalf of his application and representing six other owners and 100 families concerned with safety and maintenance of the canal, Captain Gurner answered a number of questions and said the canal was dug six years ago, he had purchased his home last year, that heavy rains caused severe erosion and a 70-foot gully across his septic drain field, and a field representative of the Trustees had recommended application under the exemption procedure. He said the Bay County Engineer disagrees with the staff position on the county drainage culvert, that he has the support of the Environmental Protection Administration and Soil Conservation Service, and that denial and full permitting procedures would result in delay and possibly additional erosion.

Mr. Stone suggested that action be deferred and the staff work with the applicant without requiring the reapplication that would be an expense and delay on this small project.

Mr. O'Malley made a motion to uphold the staff recommendation for denial. The motion died for lack of a second.

Governor Askew expressed the consensus of the members as wanting to be sure what was done was correct and also to avoid delay as much as possible.

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees directed the staff to obtain additional information, review the application further, and reagenda it as expeditiously as possible.

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BAY COUNTY - Dredge Permit No. 03-20-0313
(December 11, 1973)

APPLICANT: Emerson Land Development Corp.
c/o Mr. A. F. Moeller, President
802 Beachcomber Drive
Lynn Haven, Florida 32444

PROJECT: To remove an earthen dam 30 feet long x 60 feet wide
x 5 feet deep from a recently dredged deadend canal.

LOCATION: Section 8, Township 3 South, Range 14 West,
Upper Goose Bayou, Bay County.

MATERIAL: A relatively small amount of material would be dredged
during removal of the dam and information concerning
the total yardage removed from the existing canal is
not available.

PAYMENT: Not applicable, state-owned lands not involved.

STAFF

REMARKS: Field Operations Division recommends denial of this
permit, that the eroded portion of the plug be restored and that
the plug not be removed until all other work already done concerning
this development is properly permitted or settled. All of the
canals in this development were constructed without state or
federal permits. The previous file on this Upper Goose Bayou pro-
ject is now with our legal counsel and pending possible court action.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The limited dredging
required to remove the earthen plug from the dredged canal should
not have significant adverse effects on marine biological resources;
however, this canal project and other unpermitted canal projects
dredged in adjacent areas have damaged productive submerged lands
in Upper Goose Bayou.

The net result of allowing the connection of dead-end canal systems
could be the deterioration of water quality in the bayou and the
eventual degradation of the valuable offshore marine habitat.

To best protect and conserve marine biological resources, the
subject canal should be plugged at its opening on the Bayou and
either filled or made into an interior lake. Other nearby dead-
end canals should also be sealed off from Bayou water and efforts
should be made to restore intertidal submerged lands that were
dredged and filled. A hydrographic survey will be required.

Game and Fresh Water Fish Commission - Recent data collected in
Florida indicate that waterfront canals often contribute to the
pollution of adjoining bays, marshes and estuaries. The canals
often become anaerobic, providing little habitat for marine
organisms and providing a growth medium for deleterious bacteria
and viruses. The proposed operation to remove the plug would
only serve to extend and increase what has been found to be
undesirable aquatic habitat. We therefore object to the
issuance of the permit due to the probable destruction of bio-
logical resources.

Department of Pollution Control has reviewed the subject project
and recommends that the application be denied. Dredging and
filling has been accomplished. The canal that was excavated
was isolated from the Bayou by an earthen plug which has since
eroded. The waters in Upper Goose Bayou are Class II. It is
recommended that the canal be closed off permanently and the
shoreline vegetation be restored.

OTHERS: 1. The applicant was advised on February 28, 1973, of
the requirement for a hydrographic study. We have no notifica-
tion that he has contacted the University of Florida to arrange
for the study.

2. The Mobile District, U. S. Army Corps of Engineers, has
asked to be notified concerning the State's position on the
matter.

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Staff recommends denial of Permit No. 03-20-0313 and that the applicant be directed to permanently close the canal and restore the shoreline vegetation.

ACTION OF THE TRUSTEES:

It was noted that the applicant had been notified but was not represented at this meeting.

On motion by Mr. Shevin, seconded by Mr. Christian and Mr. Stone, passed without objection, the staff denial recommendation was approved as the action of the Trustees.

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CITRUS COUNTY - Dredge Permit No. 09-20-0179
(Revised December 22, 1972)

APPLICANT: Dr. E. T. Newell
c/o W. Elton Clemmons
P. O. Drawer 998, Ocala, Florida 32670

PROJECT: Dredge an access channel and construct a boat basin.

LOCATION: Section 36, Township 19 South, Range 16 East,
Homosassa River, Citrus County.

MATERIAL: 1,000 cubic yards of material will be deposited on
applicant's upland.

PAYMENT: Not applicable, dredging to be in an artificially
created privately-owned basin.

STAFF
REMARKS: Field Operations Division recommends approval of
this project in the revised form.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The revised project
follows recommendations suggested in our report dated October 31,
1972, and would not have significant adverse effects on marine
biological resources. However, care should be taken to limit
water turbidity and siltation during actual dredge operations.
If necessary, siltation barriers should be installed around the
dredge area to control excessive turbidity and siltation.

Game and Fresh Water Fish Commission - This agency has no
objection to this project.

Department of Pollution Control - This department has no
objection to the proposed project.

Staff recommends issuance of Permit No. 09-20-0179 subject to
the stipulations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed
without objection, the Trustees authorized issuance of the permit
with stipulations recommended by the environmental agency.

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ESCAMBIA COUNTY - Dredge Permit No. 17-21-0490
(February 23, 1973)

APPLICANT: Santa Rosa Island Authority
P. O. Box 9008, Pensacola Beach, Florida

PROJECT: Maintenance dredging of sand deposits which have
accumulated in charter boat slips.

LOCATION: Township 3 South, Range 29 West, Pensacola Beach,
Little Sabine Bay, Escambia County.

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MATERIAL: 1,200 cubic yards of material will be used to replenish eroded sections of the public beach.

PAYMENT: Request waiver of fees.

STAFF

REMARKS: Field Operations Division has no objection to this project provided turbidity curtains are used during excavation.

ECOLOGICAL

RESPONSES: Department of Natural Resources-Survey and Management: The Santa Rosa Island Authority plans to maintenance dredge sand deposits which have accumulated in chartered boat slips. The dredge area is approximately 158 feet by 140 feet by 3 feet deep. Bottoms in the area are sandy and unvegetated and the proposed dredging should not have significant adverse effects on Little Sabine Bay provided a siltation barrier is installed around the dredge area during dredging operations.

Portions of Little Sabine Bay are shallow and vegetated by turtle grass and Cuban shoalweed. These sea grasses provide nursery habitat and feeding grounds for juvenile fish, shrimp, crabs, and other marine animals. It is extremely important that siltation and turbidity problems are controlled during the dredging operation.

Beaches and Shores: A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control has no objection to the proposed project and will release certification when the application is approved by the Cabinet.

Staff recommends approval of Permit No. 17-21-0490 and waiver of fee subject to the use of a turbidity curtain during dredging.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Trustees.

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INDIAN RIVER COUNTY - Dredge and Construction Permit No. 31-39-0821E
(April 27, 1973)

APPLICANT: Lewisco, Inc.
1925 Cherokee Trail
Lakeland, Florida 33803

PROJECT: To dredge a shoal at the mouth of an unbulkheaded canal, excavate a boat slip and construct a dock in the canal. This application was filed under exemption procedures.

LOCATION: Section 17, Township 33 South, Range 40 East,
Indian River, Indian River County.

MATERIAL: Approximately 118 cubic yards.

STAFF

REMARKS: Field Operations recommends that the application be disapproved. This canal which is approximately 800' long is partially blocked by a sandbar and productive mud flat. To open this area and bulkhead the canal could have deleterious effect on Aquatic Preserve A9. The field representative's recommendation should be considered before a permit is ever issued.

The canal shoreline contains mature mangrove stands. Entrance to the canal is partially blocked by a sand bar and productive

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mud flats supporting established detrital communities. The Indian River shoreline adjacent to the boat slip is flanked by mangrove and spartina grass vegetated areas, although the location of the slip appears to be in a relatively unproductive sandy area.

Unplugging the existing canal will have immediate adverse impact resulting from a temporary increase in turbidities, and could create long-term problems if vertical bulkheading, removal of the existing buffering mangrove vegetation, surface run-off input, etc., degrade water quality in the canal and in the receiving waters of the Indian River. Any turbidities associated with the excavation of the boat slip can be expected to degrade the quality of the aquatic resources in the area, and the slip itself may create a trap.

Field Operations recommends disapproval and that prior to further consideration the applicant:

1. Provide detailed drainage plans for properties adjacent to the canal area.
2. Provide any plans for alteration of the canal. Strongly recommend that the canal be left natural with all existing fringe vegetation.
3. Consider utilization of a supported boat house so as to eliminate requirements for the dredging of the boat slip.

Staff recommends denial of Permit No. 31-39-0821E and requests that the applicant be asked to consider recommendations of Field Operations and reapply under full permitting procedures.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that there were extensive reports from Field Operations recommending denial of the exemption request.

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the staff denial recommendation was approved as the action of the Trustees.

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LEE COUNTY - Dredge Permit No. 36-20-0051
(May 8, 1973)

APPLICANT: Charles C. Bundschu, Inc., Realtor
P. O. Box 1406, Ft. Myers, Florida 33902

PROJECT: To dredge a navigation channel and boat basin.

LOCATION: Section 30, Township 43 South, Range 22 East,
Pine Island, Lee County.

MATERIAL: 5,300 cubic yards of material to be deposited on
uplands.

PAYMENT: The applicant proposes to deed to the state 7.9 acres
of land lying between the proposed canal and the
approximate mean high water line, in exchange for fill
material.

STAFF

REMARKS: It appears that the Trustees are caught in the middle between granting a permit and causing damage to the area or not granting a permit and Mr. Bundschu filling and developing out to the mean high water line with resultant loss of valuable mangrove habitat. If this is the choice, approval of this project is recommended in order to stand at least a chance of saving some of this area for the present if not for the future.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Although most of the proposed development would be located above the designated line of mean high water, a significant area of mangrove

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wetlands would be eliminated by dredging and filling. Measures should be taken by the applicant to provide recolonization and establishment of mangroves wherever possible.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control has no objection to the revision.

Staff recommends issuance of Permit No. 36-20-0051 subject to the stipulation of the Department of Natural Resources and subject to receipt of the deed to the 7.9± acres of land.

ACTION OF THE TRUSTEES:

With reference to a question raised by Vincent Honc of the Lee County Conservation Association as to the line of mean high water, Mr. Kuperberg said he discussed it with the surveyor, Lester L. Bulson, who twice surveyed this area and assured the director that the line of mean high water was correctly established by precision leveling and there was no similarity to the Cape Coral survey project in that no berm was involved here that could mislead.

Mr. Kuperberg stated that the mature red mangrove area, essentially, would be conveyed or quitclaimed to the State of Florida.

Governor Askew expressed the opinion that the state would come out better by following the staff recommendation.

Motion was made by Mr. Christian, seconded by Mr. O'Malley and passed without objection, to approve the staff recommendation.

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MONROE COUNTY - Dredge Permit No. 253.03-223
(Revised August 31, 1972)

APPLICANT: Franklin B. Kerr
c/o William J. Roberts
P. O. Box 1386, Tallahassee, Florida

PROJECT: To excavate a channel and boat basin and construct a breakwater on privately-owned submerged land.

LOCATION: Section 13, Township 62 South, Range 32 East,
Key Largo, Monroe County.

MATERIAL: 940 cubic yards of spoil to be excavated and deposited on upland.

PAYMENT: Not applicable, submerged land owned by applicant.

STAFF

REMARKS: Field Operations Division recommends approval of the permit.

ECOLOGICAL

RESPONSES: Department of Natural Resources - This second revision of the original application generally conforms to our recommendations and eliminates the proposed fill. This proposal, as revised, will have a significantly less adverse impact on marine biological resources than would the original proposal.

Game and Fresh Water Fish Commission has no objection to the issuance of a permit in accordance with the revisions presented in the August 31, 1972, application.

Department of Pollution Control has no adverse comments to offer on the revision to eliminate the fill at the corner of the boat basin.

NOTE: Processing of this application was delayed by the Department of Pollution Control moratorium in the Florida Keys.

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Staff recommends approval of Permit No. 253.03-223.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the permit.

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MONROE COUNTY - Dredge Permit No. 44-20-0297
(June 1, 1973)

APPLICANT: P. C. Dinkins, Jr.
c/o William J. Roberts
P. O. Box 1386, Tallahassee, Florida

PROJECT: To dredge an access channel, upland canal, boat basin and circulation canal.

LOCATION: Section 32, Township 65 South, Range 33 East, Section 5, Township 66 South, Range 33 East, Vaca Key, Monroe County.

MATERIAL: 3,890 cubic yards to be excavated from sovereignty lands, 51,000 cubic yards from uplands. Spoil to be used for building pads and roads; excess to be hauled off.

PAYMENT: \$5,835 received.

STAFF

REMARKS: Field Operations Division has no objection to the revised plans.

ECOLOGICAL

RESPONSES: Department of Natural Resources - This project should have limited significant, direct, adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - May 29, 1973: It is felt that some rearrangement that allows the exit channel to be perpendicular to the shoreline at the point of exit would be desirable.

NOTE: June 1, 1973: Letter from Mr. Dinkins' representative complying with Department of Pollution Control recommendations.

Staff recommends issuance of Permit No. 44-20-0297 as revised.

ACTION OF THE TRUSTEES:

The Director, stating that the project had undergone considerable revision, recommended approval.

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the permit as revised was approved.

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OKALOOSA COUNTY - Dredge & Construction Permit No. 253.124(8)-256
(February 20, 1973)

APPLICANT: Joseph M. Thompson
229 South Bayshore Drive
Valparaiso, Florida 32580

PROJECT: Remove a seawall and fill placed on submerged land without authorization, and rebuild the seawall in a location more closely approximating the original shoreline.

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LOCATION: Section 18, Township 1 South, Range 22 West,
Valparaiso Bay, Okaloosa County.

MATERIAL: The fill material previously placed on submerged land
without authorization will be removed.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division - It is requested that a
permit be processed for approval by the Trustees. Mr. Thompson
has indicated that he will revise his plans, i.e., remove all
unauthorized fill and rebuild on his property line.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Survey and Manage-
ment: Bottoms adjacent to the existing bulkhead and fill are
shallow, sandy, and unvegetated. Removing the land fill that
was placed in Valparaiso Bay should not have significant adverse
effects on marine biological resources and would allow the
natural marine community to re-establish itself on bottoms in
the subject area.

Bureau of Beaches and Shores - A hydrographic survey will not
be required. The information provided with this application
is somewhat sparse; however, it is undesirable to have sharp
discontinuities (corners) in the shoreline, since they aggravate
erosion on adjacent property. It would be desirable to have
the seawall alignment conform to the general natural shoreline
and the use of a stone revetment or the use of stone at the toe
of the vertical wall would reduce the adverse effects of a
hardened area.

Game and Fresh Water Fish Commission offers no objections to
this project.

Department of Pollution Control - The revised application in
which Mr. Thompson agrees to comply with earlier recommendations
to remove the bulkhead and place it at his original property
line and reclaim only that portion of land he originally held
title to, is acceptable to the Trustees of the Internal Improve-
ment Trust Fund and we concur with their recommendation to
accept the revised application.

From the water quality standpoint, certification should be
subject to precautions being taken to control turbidity
during relocation of the bulkhead. Also, this relocation should
not be started until the adjacent property owner, Mr. Fowler,
brings his portion of the seawall back to his 1970 property
boundary which will coincide with the new boundaries established
in Mr. Thompson's new application.

Staff recommends approval of Permit No. 253.124(8)-256.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. O'Malley and passed
without objection, the Trustees authorized issuance of Permit
No. 253.124(8)-256.

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VOLUSIA COUNTY - Dredge Permit No. 253.123-1183
(Revised March 29, 1973)

APPLICANT: Oscar E. Ormand
c/o William J. Roberts
P. O. Box 1386, Tallahassee, Florida

PROJECT: To remove a plug to connect an existing boat basin
to an existing canal.

LOCATION: Sections 19 and 30, Township 15 South, Range 28
East, St. Johns River, Volusia County.

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MATERIAL: 300 cubic yards to be excavated and deposited on uplands.

PAYMENT: Not applicable, state-owned lands not involved.

STAFF

REMARKS: It is still the feeling of Field Operations Division that the plug should remain in place and the permit be denied.

ECOLOGICAL

RESPONSES: Department of Natural Resources deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission offers no objection to issuance of this permit.

Department of Pollution Control - In regard to the last proposed revision to the subject project this Department recommends that:

1. Only the basin be connected to the St. Johns River and the depth of the basin be limited to minus (6) feet.
2. The ponds or fingers be closed off permanently from any connection to the basin. Boat lifts could be installed if so desired to move vessels from the canals to the basin.
3. The existing hyacinths should be removed from the basin by mechanical means.
4. The plug to the St. Johns River shall be left in place until all interior work is completed.

We will not take any further action until after the Trustees have issued their permit.

NOTE: The applicant has agreed to the stipulations of the Department of Pollution Control. The applicant offered this proposal in a good faith effort to resolve a long-standing application that had received opposition from environmental agencies.

Staff recommends issuance of Permit No. 253.123-1183 subject to stipulations of the Department of Pollution Control.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the permit with stipulations as recommended.

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COLLIER COUNTY - Marina License & Construction Permit No. 11-30-0501
(April 27, 1973)

APPLICANT: Naples Cruise Club
P. O. Box 903, Naples, Florida 33940

PROJECT: To enlarge existing dock to cover 5,000 square feet, more or less, for harboring 8-10 boats. The application was processed under the exemption rule.

LOCATION: Section 14, Township 51 South, Range 25 East, Little Marco Pass, Intracoastal Waterway, Collier County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF

REMARKS: Field Operations recommends denial of this dock as proposed for the reasons stated in the report. Field Operations recommends that the structure be modified to harbor 4 boats.

For the following reasons the permit to extend the existing dock should be denied:

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1. The harboring of 8-10 boats on one lot would indeed place too much danger in the narrow space for boats to navigate safely in the docking process and for boats passing by in the narrow channel.
2. The dock would be placed within 7 feet of adjacent property owners.
3. The Naples Cruise Club has docking facilities 1 to 1½ miles south across from the southern tip of Keywadin Island. This dock will harbor "approximately 60 boats," quoted from Mr. Waite. The Naples Cruise Club is therefore not without dock facilities and a place to meet. There are huts available for eating purposes also.
4. It is my understanding that the lot on Keywadin Island is for the use of a few people desiring to meet on the Island for cookouts, shelling, etc. This is not for the purpose of the entire membership or even for use of 8-10 boats plus whatever small boats that could be beached.
5. Allowing the beginning of such organizations to use the Island as a major meeting place would not be in the interest of the other lot owners of the Island and the safe navigation of the general public in the narrow channel.

Staff feels that any repairs to the existing dock should be allowed; recommends that the repair should allow some redesigning of the dock to harbor 4 boats, as the dock owned by Mr. McIlvain.

Staff recommends denial of Permit No. 11-30-0501.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Shevin and passed without objection, the staff recommendation was accepted and the permit application was denied.

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ST. LUCIE COUNTY - Bulkhead Line & Fill Permit No. 56-35-760 & 56-15-0757 (April 17, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: A bulkhead line 136.35 feet long established by the Board of County Commissioners of St. Lucie County by resolution Number 72-131 adopted on 28 November 1972, and to place 103 cubic yards of fill material in the North Fork of the St. Lucie River to provide right of way for SR 712.

LOCATION: Section 4, Township 36 South, Range 40 East,
St. Lucie County.

MATERIAL: 103 cubic yards of fill material to be placed on
sovereignty land.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations recommends approval provided the fill is obtained from upland sources and adequate turbidity control methods are utilized and that additional riprap be placed at the base of the fill, establishing a more sloping interface and providing additional littoral habitat as well as stabilizing the road bed.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Survey and Management: The proposed bulkhead line does not encompass a highly productive portion of the North Fork of the St. Lucie River in that the pocket concerned has limited water movement and very

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silty bottoms. If bulkhead construction is intended, a riprap bulkhead would provide better shoreline habitat than a vertical seawall. Dredging within the proposed bulkhead line would create a deep hole subject to stagnation and should be avoided. Damage to large trees and river bottomlands should be avoided as much as possible during road construction.

Beaches and Shores: A hydrographic survey is not required for this project, but it is recommended that a sloping surface be used rather than a vertical wall for the bulkhead and that it be designed to taper into the existing shore to eliminate any abrupt changes in the shore alignment.

Game and Fresh Water Fish Commission has reviewed the project and offers no objection to its implementation.

Department of Pollution Control has no objection to the proposed project.

Staff recommends approval of the bulkhead line and fill permit subject to the stipulations of the environmental agencies.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Trustees.

-19B-

ST. LUCIE COUNTY - Right of Way Easement File No. 2502-56-253.03
(April 17, 1973)

APPLICANT: Department of Transportation
Maydon Burns Building, Tallahassee, Florida

PROJECT: Highway construction for Section 94530-2604, Road S-712, North Fork of the St. Lucie River. Some filling of submerged land is required.

LOCATION: Two parcels of submerged land in the North Fork of the St. Lucie River comprising 0.05 acre abutting Section 4, Township 36 South, Range 40 East, St. Lucie County.

PAYMENT: None.

Staff requests authority to issue the right of way easement subject to the Department of Transportation acquiring abutting upland ownership.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the right of way easement to the Department of Transportation subject to acquisition of the abutting upland ownership by the department.

-20-

Trustees' Funds - Staff requests authority to retain the consulting firm of Candeub, Fleissig and Associates for professional services in performance of the following tasks:

1. In connection with the Inventory of State-owned Land, the Consultant will provide technical assistance to Trustees' staff in:

- a. Defining a short-term, detailed Interim Work Program for editing, upgrading and utilizing the Inventory in its present form;
- b. Identifying and applying available tools and techniques for carrying out the Interim Work Program;

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c. Defining a General Development Program for a Land Management Information System identifying objectives, major work elements, sequence of activities, schedules and cost estimates.

Special consideration shall be given to the relationships of a land management information system to the proposed Florida Natural Resources Information System (FLORIS), the Department of Transportation Land Inventory System and the system proposed for the Trustees by the Department of General Services.

2. In connection with the development of an internal guide for the Trustees' activities over the next year (1973-74), the Consultant shall provide technical assistance to Trustees' staff in:

a. The development of an objective evaluation of the status of Trustees' activities and programs.

b. The development of a statement of goals and objectives relating to the present and future role of the Trustees in the management of State lands.

c. The development of a Management Program to formalize and improve the planning, operations and services of the Trustees.

Total cost for these services will be limited to \$2,700. Funds are available within the current budget.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr. Shevin, passed without objection, the Trustees authorized the work as requested by the staff, the total cost to be limited to \$2,700.

-21-

MARION COUNTY - Road Right of Way

APPLICANT: Department of Transportation

REQUEST: Easement across state land for State Road No. 40 widening and improvement purposes.

LOCATION: A strip of land approximately 48 feet wide and 350 feet long containing 0.373 acre located across the south portion of the property in use by the Florida State Fire College at Ocala in Section 18, Township 15 South, Range 22 East, Marion County.

The Department of Community Affairs has reviewed and approved issuance of the easement.

Recommend issuance of the easement requested for public road purposes.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr. Shevin, passed without objection, the easement for public road purposes was approved.

-22-

BROWARD COUNTY - Road Right of Way

APPLICANT: Department of Transportation

REQUEST: 1.24 acres of state land for Interstate 95 right of way.

LOCATION: A parcel of land in Section 34, Township 48 South, Range 42 East adjoining and north of Atlantic

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Boulevard (State Road 814) in Broward County, being a portion of the Pompano State Farmers' Market.

As the land will be used for a limited access facility, it is necessary that the Department of Transportation acquire fee title. The Department offers \$84,000 as compensation for the land, improvements and severance damage to the remaining property. Staff appraiser has reviewed and approved the offer.

The \$84,000 will go to the Department of Agriculture and Consumer Services. That Department has reviewed and approved transfer of the land for road right of way.

Recommend conveying the 1.24-acre parcel of land to the Department of Transportation for road right of way purposes for \$84,000.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr. Shevin, passed without objection, the conveyance to the Department of Transportation for road right of way purposes was approved.

-23-

ST. JOHNS COUNTY - Conveyance to Department of Transportation
(June 21, 1973)

APPLICANT: Department of Transportation

REQUEST: To purchase a small parcel of state-owned land located in St. Johns County.

LOCATION: A parcel 100 feet by 30 feet containing 3,000 square feet (0.069 acre) in Government Lot 1, Section 35, Township 8 South, Range 30 East, St. Johns County.

This parcel of land reverted to the State under Chapter 18296, Laws of Florida, Acts of 1937 (Murphy Act) by virtue of Tax Sale Certificate No. 5836 of August 7, 1933.

The Department of Transportation's offer of \$690 for this parcel of land has been reviewed and approved as fair market value by staff appraiser. The proceeds from this conveyance will go to General Revenue Unallocated.

Recommend conveyance to the Department of Transportation for the sum of \$690 for road right of way purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr. Shevin, passed without objection, conveyance of the parcel of land to the Department of Transportation for road right of way purposes was approved.

-24-

MARION COUNTY - Confirm a Public Sale of Murphy Act Land
(June 4, 1973)

LAND

DESCRIPTION: Lots 5 through 14, Block 6, Town of Martin, in Section 10, Township 14 South, Range 21 East, Marion County.

LOCATION: These lots are situated in an old, sparsely developed area within the unincorporated limits of the Town of Martin, approximately 8 miles North of Ocala.

APPRAISAL: By staff appraiser, \$900.

AUTHORITY
FOR SALE: Section 197.350, Florida Statutes.

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DATE OF SALE: June 1, 1973, by Clerk of the Circuit Court of Marion County, Florida.

HIGH BIDDER: J. W. Bray

HIGH BID: \$900

Recommend confirmation of sale of these lots to J. W. Bray for \$900 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley and Mr. Shevin, and passed without objection, confirming the sale of Murphy Act land to Mr. Bray as recommended.

-25-

ORANGE COUNTY - Advertise Oil and Gas Lease

APPLICANT: Sam F. Davis and Gilbert E. Thayer
710 West Indiana Avenue
Tampa, Florida 33603

REQUEST: Advertise an oil and gas drilling lease for bids.

LOCATION: 1,297 privately-owned surface acres being lake-bottom, in Sections 10, 11, 14, 15, 23 and 24, Township 21 South, Range 27 East, Orange County, on the northeast shore of Lake Apopka.

INTEREST

OF STATE: An undivided one-half interest in the petroleum reserved by the Trustees in Deed No. 19135 dated March 4, 1946, a total of 648.5 net mineral acres.

All proceeds from the proposed lease will go to the Internal Improvement Trust Fund.

This request has been reviewed by the Department of Natural Resources, Department of Agriculture and Consumer Services, Department of Pollution Control and the Game and Fresh Water Fish Commission which agencies offer no objection to the proposed lease provided safeguards are taken in the event drilling is conducted on the leased area.

Recommend advertising for sealed bids for a five-year primary term oil and gas drilling lease with annual rental of \$1 per net mineral acre, 1/8 royalty, \$50,000 surety bond and at least one test well every 2½ years drilled to a depth of 6,000 feet.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees authorized advertisement of the oil and gas lease.

-26-

GADSDEN COUNTY - Interstate Highway 10 Right of Way

APPLICANT: Department of Transportation

REQUEST: 55.04 acres of state land for Interstate 10 right of way.

LOCATION: Five parcels of land containing 55.04 acres in Sections 25 and 26, Township 2 North, Range 4 West, Gadsden County, being a part of the Gadsden County Experiment Station.

As four parcels requested, containing 54.12 acres, will be used for a limited access facility, the Department of Transportation

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requires fee title and offers \$39,300 as compensation for the land. Staff appraiser has reviewed and approved the offer made. The \$39,300 will go to the Board of Regents.

An easement is requested for one parcel containing 0.92 acres in order that an underpass may be constructed to allow passage of cattle from one side of the highway to the other.

The Board of Regents has reviewed and approved the issuance of the easement and transfer of the land for road right of way.

Recommend conveying the 54.12 acres to the Department of Transportation for public road right of way purposes for \$39,300 and issuance of the 0.92-acre easement for public road purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved the conveyance and easement for public road purposes only.

-27-

LAKE COUNTY - Electric Transmission Line Easement

APPLICANT: Florida Power Corporation
St. Petersburg, Florida

REQUEST: Easement for overhead electric transmission line.

LOCATION: The northwesterly 29.5 feet adjacent to State Road 44 of the Division of Forestry Leesburg Work Center.
Site in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, Township 19 South, Range 25 East, Lake County.

This proposed easement will supersede an earlier easement to Florida Power Corporation granted on June 29, 1936, for the purpose of rebuilding the power line within the existing right of way.

The Division of Forestry, Department of Agriculture and Consumer Services has reviewed and approved the new easement.

Recommend issuance of the easement requested for electrical power transmission line purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees authorized issuance of the easement as requested.

-28-

JACKSON COUNTY - Request for Corrective Deed
(June 25, 1973)

APPLICANT: Willard Dewey Hendrix and Earma Jo Hendrix, his wife

REPRESENTED
BY: Coy E. Hess

REQUEST: Corrective deed to Willard Dewey Hendrix and Earma Jo Hendrix, his wife, to correct a vague legal description contained in Murphy Act Jackson County Deed No. 314 to a parcel in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 13, Township 3 North, Range 12 West, lying north of Cain Street and west of the Atlanta and St. Andrews Bay Railroad, and in Block 39, Ward 4, Round Lake.

Williard Dewey Hendrix and Earma Jo Hendrix, his wife, are successors in title to H. D. Ward, grantee in Murphy Act Deed No. 314 to that portion of the lands conveyed in Deed No. 314 set forth in this request.

July 10, 1973

Recommend issuance of a corrective deed to Willard Dewey Hendrix and Earma Jo Hendrix, his wife, for \$25.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved issuance of the corrective deed as recommended.

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LEON COUNTY - Road Right of Way Easement

APPLICANT: Department of Transportation

REQUEST: Easement across state land in connection with the widening and improving of Orange Avenue and South Adams Street in Tallahassee.

LOCATION: Four parcels of land adjacent to Orange Avenue and South Adams Street on the Florida A & M University campus in Section 12, Township 1 South, Range 1 West, Leon County, containing a total of 0.54 acre.

This easement is needed for improvement of the Monroe and Adams Streets intersections at Orange Avenue.

The Board of Regents has reviewed and approved the issuance of the easement.

Recommend issuance of easement as requested for public road purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved the easement for public road purposes only.

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Policy of Board of Trustees of the Internal Improvement Trust Fund respecting Vertical Seawalls.

Studies made of erosion problems in the State of Florida and elsewhere, and of the value of the shores of the state marine habitats and feeding grounds, have revealed that vertical seawalls have contributed to the acceleration of the rate of erosion and at the same time have destroyed the source of much of the contribution of nature to the maintenance of beneficial marine life. Engineers have determined that the gentle slope of the natural shore has been nature's method of combatting the damaging effects of wave action. These studies have revealed that the upland can be protected by sloping riprap revetments whose design more nearly copies nature's methods of fighting wave action and providing the essential marine feeding grounds and habitats.

Staff recommends the adoption of the policy of encouraging, and whenever appropriate, requiring such alternative to vertical seawalls and the widest practical dissemination of this policy of the Board of Trustees.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr. Shevin, passed without objection, the following resolution was adopted:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

WHEREAS the standard method of protecting Florida's shorelines from erosion has been through the use of vertical seawalls; and

WHEREAS it appears that vertical seawalls are extremely effective wave reflectors and do not dissipate wave or wave energy; and

WHEREAS it appears that such seawalls can result in adverse wave conditions as evidenced in the intracoastal waterway in southeast Florida; and

WHEREAS it appears that wave energy reflected from vertical seawalls increases scour at the toe of the wall and results in periodic failure of such walls; and

WHEREAS it appears that erosion of natural shorelines adjacent to a vertical wall is usually accentuated; and

WHEREAS replacement of sloping natural shorelines with a vertical wall decreases the amount of habitat available for use by marine life;

NOW, THEREFORE, BE IT RESOLVED by the State of Florida Board of Trustees of the Internal Improvement Trust Fund, in regular meeting assembled, that in light of present knowledge regarding vertical seawalls, it is the policy of the Board to suggest that any agency, company, or person, public or private, conducting development along Florida's shoreline consider alternatives to the use of vertical seawalls; and

BE IT FURTHER RESOLVED that the Trustees recommend as alternatives the establishment of naturally sloping shorelines vegetated by native plant species or where severe erosion exists, that a sloping riprap revetment be constructed to provide protective habitat for marine life and the resulting dissipation of wave energy; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Department of Natural Resources, Department of Pollution Control, U. S. Army Corps of Engineers and to each accredited representative of the news services in the Capitol to the end that this resolution and the policy pursuant to which it was adopted come to the attention of all who may be affected by it.

Commissioner of Education Christian stated that counties in this section of Florida on the Gulf of Mexico are interested in an aquaculture or mariculture vocational education program if there are any state lands available for leasing.


Mr. Kuperberg could recall only one such application, one in Brevard County which was opposed by commercial fishermen. He said the staff would be delighted to work with anyone the Commissioner designated, and on an interagency basis would like to participate in selecting the areas for lease because some areas are much less productive in their natural state and well suited for mariculture projects.

Governor asked that an application be formalized for consideration by the Trustees.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

* * * * *

July 10, 1973

Tallahassee, Florida
July 17, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg	Executive Director
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The minutes of the meeting on June 19, 1973, were approved as submitted.

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COLLIER COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Phillips Petroleum Company
Houston, Texas

REQUEST: Consideration of sealed bids for an oil and gas lease.

LOCATION: All of Section 31, Township 49 South, Range 31 East, containing 640 surface acres in Collier County.

INTEREST

OF STATE: An undivided $\frac{1}{2}$ interest in the petroleum in all of Section 31 less the west 100 feet containing 627.88 surface acres and full interest in the petroleum in the west 100 feet containing 12.12 surface acres, for a total of 326.06 net mineral acres held by the Board of Trustees. All proceeds from the proposed lease will go to the Internal Improvement Trust Fund.

The five-year lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/8 royalty and at least one test well every 2 $\frac{1}{2}$ years, drilled to a depth of 6,000 feet or through the Sunniland Formation, whichever is deeper.

On June 5, 1973, the Trustees authorized advertising the lease for sealed bids. Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and Naples Daily News with bids to be opened at 10:00 a.m. (EDST) on July 17, 1973, for consideration by the Trustees. The right to reject any or all bids is reserved.

ACTION OF THE TRUSTEES:

Mr. James T. Williams of the Land Records Division of the Trustees' office reported that one sealed bid had been received, from Phillips Petroleum Company of Houston, Texas, in the total amount of \$8,986.21, representing the first year's rental of \$326.06 and a bonus bid of \$26.56 per acre. Mr. Williams recommended acceptance of the bid.

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees accepted the bid and awarded the oil and gas drilling lease to Phillips Petroleum Company.

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COLLIER COUNTY - Consideration of Oil and Gas Lease Bids

July 17, 1973

APPLICANT: Tribal Oil Company
Lafayette, Louisiana

REQUEST: Consideration of sealed bids for an oil and gas lease.

LOCATION: All of Section 35 and W½ of Section 25, in Township 48 South, Range 30 East, containing 960 surface acres Collier County.

INTEREST

OF STATE: An undivided one-half interest in the petroleum for a total of 480 net mineral acres held by the Board of Trustees. All proceeds from the proposed lease will go to the Internal Improvement Trust Fund.

The five-year lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/8 royalty, and at least one test well every 2½ years drilled to a depth of 6,000 feet or through the Sunniland Formation, whichever is deeper.

On June 5, 1973, the Trustees authorized advertising the lease for sealed bids. Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and Naples Daily News with bids to be opened at 10:00 a.m. (EDST) on July 17, 1973, for consideration by the Trustees. The right to reject any or all bids is reserved.

ACTION OF THE TRUSTEES:

Mr. James T. Williams, Land Records Division Director, reported that one sealed bid had been received, from Tribal Oil Company of Lafayette, Louisiana, in the total amount of \$8,000.00, representing the first year's rental of \$480.00 and a bonus bid of \$15.67 per acre. Mr. Williams recommended acceptance of the bid.

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees accepted the bid and awarded the oil and gas drilling lease to Tribal Oil Company.

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HENDRY COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Sun Oil Company
Jackson, Mississippi

REQUEST: Consideration of sealed bids for an oil and gas lease.

LOCATION: 636½ surface acres in Section 35, Township 47 South, Range 33 East, Hendry County, containing 318.25 net mineral acres, comprised of lots in a subdivision identified as Lincoln Square Park No. 1 and No. 2.

INTEREST

OF STATE: An undivided one-half interest in the petroleum held by the State of Florida as a result of Murphy Act Deed No. 87 dated April 6, 1945. All proceeds from the proposed lease will go to General Revenue unallocated.

The five-year lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/8 royalty and at least one test well every 2½ years drilled to a depth of 6,000 feet or to the base of the Sunniland Formation, whichever is deeper.

On June 5, 1973, the Trustees authorized advertising the lease for sealed bids. Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and Hendry County News with bids to be opened at 10:00 a.m. (EDST) on July 17, 1973, for consideration by the Trustees. The right to reject any or all bids is reserved.

July 17, 1973

ACTION OF THE TRUSTEES:

Mr. James T. Williams, Land Records Division Director, reported receipt of one sealed bid, from Tribal Oil Company of Lafayette, Louisiana, in the amount of \$7,956.25 representing the first year's rental of \$318.25 and a bonus bid of \$24.00 per net mineral acre. Mr. Williams recommended acceptance of the bid.

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees accepted the bid and awarded the oil and gas drilling lease to Tribal Oil Company.

-5-

HILLSBOROUGH COUNTY - Request for a Duplicate Murphy Act Deed

APPLICANT: Orville Burns and wife, Robertie Burns

REPRESENTED

BY: Sam Kessler

REQUEST: Issuance of duplicate Hillsborough County Deed No. 2744 to Orville Burns and Robertie Burns, his wife. The original Murphy Act deed, sale of July 30, 1943, was lost and never placed of record in the Public Records of Hillsborough County, Florida.

Recommend issuance of duplicate Murphy Act deed to Orville Burns and Robertie Burns, his wife, for \$25, the usual cost for issuance of a duplicate deed.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Shevin and passed unanimously, the Trustees approved issuance of the duplicate deed.

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ORANGE COUNTY - Application for Sale, File 2448-48-253.36
(March 10, 1972)

STAFF DESCRIPTION: A parcel of reclaimed Lake Conway bottom land abutting Section 30, Township 23 South, Range 30 East, embracing 0.3323 acre.

CITY AND COUNTY: City of Belle Isle, Orange County

APPLICANT: C. R. Stewart, et ux

APPLICANT'S REPRESENTATIVE: James C. Robinson, Attorney
P. O. Box 2631, Orlando, Florida 32801

ACREAGE: 0.3323 acre
RATE PER ACRE: \$2,900 for the parcel

APPRAISAL: By staff appraiser, March 12, 1973.

PURPOSE: Single family residence.

BIOLOGICAL RESPONSES: Not applicable.

STAFF REMARKS: On May 28, 1952, the Board established a policy for perfecting title to lands which were artificially created in Lake Conway. In cooperation with the United States Geological Survey and the County Surveyor of Orange County, the Board established the elevation of the ordinary high water mark at 86.4 feet mean sea level as a result of the permanent lowering of Lake Conway. The parcel is above the 86.4 foot elevation.

Application was made to the Lake Conway Water and Navigation Control District under the provisions of Section 16(a), Chapter 57-1643,

July 17, 1973

Laws of Florida. Advertisement was made and a public hearing held August 21, 1971. No one appeared in opposition to the application and the District recommended that the Trustees make the parcel available to the applicant.

The applicant submits the following statement:

"The buyer plans to build a house on the property upon the upland acquisition of the beach front. The property is overgrown with weeds and there is no public body or private individual who takes care of the property or feels any responsibility for it. It is a depository for trash and refuse and it is a place where people gather for noisy and offensive uses.

"It would be desirable to have the property properly maintained, placed on the tax rolls and to have a proper party to be responsible for its maintenance and upkeep. For these reasons, we feel that the sale will be to the best interest of the public."

The staff recommends approval of the application and requests authority to issue the deed for the consideration of \$2,900.

ACTION OF THE TRUSTEES:

The Attorney General said the sale was considered in the public interest for valid reasons not limited to placing the property on the tax rolls. The Executive Director explained that was one of the statements of the applicant, but the staff has placed the application on the agenda based on the 1952 policy and establishment of the ordinary high water mark of Lake Conway at 86.4 feet mean sea level.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed unanimously, the Trustees approved the application and authorized issuance of the deed as recommended by the staff.

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HILLSBOROUGH COUNTY - Artificial Reef Permit No. 253.03-374
(June 8, 1973)

APPLICANT: University of South Florida
and Department of Natural Resources
830 First Street South, St. Petersburg, Florida 33701

PROJECT: To construct an artificial reef 900' x 300' consisting of unbroken concrete pipe in Tampa Bay at the north end of Egmont Key.

LOCATION: Tampa Bay at north end of Egmont Key, Hillsborough County.

MATERIAL: To be constructed of concrete pipe.

STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL RESPONSES: Department of Natural Resources has no objection to the proposed project.

Game and Fresh Water Fish Commission has no objection to the proposed project.

Department of Pollution Control has no objections to the proposed project. The use of inert materials and the depth of the reef should have little if any effect on water quality in Tampa Bay.

OTHERS: Permit approved by the Tampa Port Authority on June 1, 1973.

Staff recommends issuance of Artificial Reef Permit No. 253.03-374.

July 17, 1973

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Dickinson and passed unanimously, to approve the application and issue an artificial reef permit to the applicants.

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DUVAL COUNTY - Bulkhead Line No. 16-35-0622
(March 15, 1973)

APPLICANT: City of Jacksonville
Jacksonville, Florida 32202

PROJECT: A bulkhead line 322.23 feet long on the Northerly side of Cedar Creek, established by the Jacksonville City Council by ordinance 72-1247-624 adopted March 2, 1973.

LOCATION: Government Lot 5, Section 25, Township 2 South, Range 25 East, Cedar Creek, Duval County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection to the proposed bulkhead line.

ECOLOGICAL RESPONSES: Department of Natural Resources - The proposed bulkhead line would enable widening of the Lane Avenue roadbed by filling portions of the secondary channel along the existing roadbed. Filling within the proposed bulkhead line should not significantly affect biological resources in Cedar Creek provided the secondary channel segments are reconnected to the main channel.

Game and Fresh Water Fish Commission - Under normal conditions this would have a detrimental environmental impact on the creek. However, Cedar Creek has long been used as a natural drain for industrial wastes and domestic sewage, and as a result, the habitat is poor, and frequent fish kills occur. Therefore, the present establishment of this bulkhead line will have no harmful environmental impact. However, polluters of Cedar Creek have been cited and waste treatment programs are presently being implemented. Hopefully this clean-up will eventually be successful and then the bulkhead line as proposed could be detrimental to aquatic habitat. Therefore, consideration should be given to establishing the line at the original northern bank of the creek.

Department of Pollution Control has no objection to the proposed project.

Staff recommends approval of the bulkhead line.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed unanimously, the Trustees approved the bulkhead line established by the Jacksonville City Council on March 2, 1973, by Ordinance No. 72-1247-624.

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POLK COUNTY - Bulkhead Line & Fill Permit No. 53-39-0803
(April 26, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304

PROJECT: To approve a bulkhead line in Lake Wire established by the City of Lakeland and to construct a bulkhead and place fill along the shore of the lake for road construction.

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LOCATION: Section 13, Township 28 South, Range 23 East, Lake Wire, Polk County.

MATERIAL: 3,728 cubic yards of fill.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division recommends that the project be approved.

ECOLOGICAL RESPONSES: Department of Natural Resources - Deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission has no further objections provided:

1. Restoration of simulated shoreline by riprap or other suitable material constructed on a slope of from 3:1 (horizontal to vertical) to 7:1; to extend lakeward of the bulkhead line for a distance of not less than 20 horizontal feet.

2. Construction of the proposed seawall and littoral area should proceed in a manner so as to confine excessive turbidities to the immediate project area.

3. Restriction, if possible, of increased storm drainage terminating into Lake Wire; or installation of "catch basins" designed to restrict sediments and other road surface pollutants from reaching the lake.

Department of Pollution Control has no objections to the proposed project.

OTHERS: The City of Lakeland by Resolution No. 1727 approved the bulkhead line and fill permit on January 15, 1973.

Staff recommends issuance of Permit No. 53-39-0803 and approval of the bulkhead line subject to the stipulations of the Game and Fresh Water Fish Commission.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed unanimously, the Trustees approved the bulkhead line and issuance of the permit subject to the stipulations of the environmental agency.

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BROWARD COUNTY - Fill Permit No. 06-12-0647
(Revised June 8, 1973)

APPLICANT: Hallandale Intracoastal Corporation, Inc.
P. O. Box 804, Hallandale, Florida 33009

PROJECT: To construct a 100-foot long seawall along the Intracoastal Waterway and backfill submerged bottoms. The seawall will be faced with riprap on the waterward side.

LOCATION: Section 26, Township 51 South, Range 42 East, Intracoastal Waterway, Broward County.

MATERIAL: All material to be trucked in.

STAFF

REMARKS: Field Operations Division recommends approval provided riprap is used in conjunction with the proposed vertical seawall.

ECOLOGICAL RESPONSES: Department of Natural Resources - The gently sloping tidal and littoral bottoms in the subject area consist of silty sand and rubble on which attached green algae, blue crabs, xanthid crabs, amphipods, and anemones were found. Schools of

July 17, 1973

small fish were seen in the shallow littoral waters; several larger fish were seen feeding in the area.

The adjoining and opposite shoreline property is bulkheaded, and the subject area is one of the last remaining portions of sloping tidal area in this intensely developed region. To conserve the shallow shoreline water area, which in conjunction with rubble provides protective habitat for small fish and other marine life, the proposed seawall should be relocated approximately 50 feet east (see attached sketch).

A hydrographic survey will not be required. The information provided with this application is very sparse and the present mean high water line is not shown. If this area has eroded landward of the existing seawalls, it would be recommended that the proposed seawall be realigned to connect with existing seawall corners.

Game and Fresh Water Fish Commission - The Environmental Protection Section of the Florida Game and Fresh Water Fish Commission has reviewed the above referenced project and concurs with the recommendations and modifications presented in the Department of Natural Resources letter of May 24, 1973.

Department of Pollution Control - In reference to the Department of Natural Resources report dated May 24, 1973, this Department concurs with their recommendation but suggest that riprap be placed waterward of the proposed seawall.

NOTE: A detailed inspection and review of old photographs by the Field Operations Division did not find evidence of unauthorized filling. The applicant has modified his application to include the placement of riprap in front of the seawall.

Staff recommends issuance of Permit No. 06-12-0647 provided riprap is placed on the waterward side of the seawall.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed unanimously, the Trustees approved issuance of the permit subject to the provision for riprap as recommended.

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CLAY COUNTY - Fill Permit No. 10-12-0537E
(March 9, 1973)

APPLICANT: Jerry L. Linder and Joseph W. Keely
c/o Willard L. White
P. O. Box 71, Doctor's Inlet, Florida 32030

PROJECT: To construct a seawall and place fill behind the wall.
The application was filed under exemption procedure.

LOCATION: Township 4 South, Range 26 East, Doctor's Lake,
Clay County.

MATERIAL: Fill to be obtained from upland sources.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division recommends that the application be disapproved and applicants be requested to relocate the bulkhead at the mean high water line.

ECOLOGICAL RESPONSES: Department of Natural Resources - Not applicable.

Game and Fresh Water Fish Commission - Not applicable.

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Department of Pollution Control - It would appear that any bulkhead in this area should be at the line of mean high water. We have no objection to a bulkhead being constructed but recommend that it be at the line of mean high water and preferably constructed of riprap.

NOTE: The applicant does not wish to modify his application to place the bulkhead at the mean high water line.

Staff recommends denial of Fill Permit No. 10-12-0537E.

ACTION OF THE TRUSTEES:

Mr. Kuperberg advised that since the agenda was printed the applicant has agreed to the revised project. The staff recommended denial of the project as submitted and that the applicant refile for the revised project.

On motion by Mr. Christian, seconded by Mr. Stone and passed unanimously, the amended staff recommendation was approved.

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DADE COUNTY - Fill Permit No. 13-11-0940
(May 5, 1973)

APPLICANT: City of Miami
c/o M. L. Reese, City Manager
3500 Pan American Drive
Miami, Florida 33133

PROJECT: To fill two existing boat slips 1000 feet in length,
200 feet in width and 30 feet in depth.

LOCATION: Section 37, Township 53 South, Range 42 East, Biscayne
Bay, Dade County.

MATERIAL: 800,000 cubic yards of material.

PAYMENT: Not applicable; spoil to be obtained from the
Federal harbor deepening project and placed on city
property.

STAFF REMARKS: Field Operations Division has no objections to
the proposed project provided turbidity controls are used.

ECOLOGICAL RESPONSES: Department of Natural Resources - Dredging
and filling in this area should not have widespread adverse effects
on marine biological resources.

Game and Fresh Water Fish Commission - Deferred to Department of
Natural Resources.

Department of Pollution Control has no objection to the proposed
project.

Staff recommends issuance of Permit No. 13-11-0940 provided
turbidity controls are utilized during dredging.

ACTION OF THE TRUSTEES:

The proposed work had been carefully reviewed and information
from Colonel Emmett C. Lee, Jr., District Engineer, U. S. Corps
of Engineers, Jacksonville, was that the contractor would sweep
silt from the fill site, deposit it on an accepted spoil site
on Virginia Key, and dike and curtain the area during sweeping
and filling.

On motion by Mr. Christian, seconded by Mr. Stone and passed
unanimously, the staff recommendation was accepted as the
action of the board.

Mr. Stone noted the presence of retiring City Manager Melvin
Reese of Miami who was recognized by the Governor and
commended highly for his services to that city.

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FLAGLER COUNTY - Fill Permit No. 18-39-0155
(July 9, 1973)

APPLICANT: J. C. Manning
c/o Coble, McKinnon & Hankal
1025 Volusia Avenue
Daytona Beach, Florida 32014

PROJECT: To extend a seawall on either side of an existing seawall and backfill. The new seawall will be approximately 2,607.77 feet long. The seawall has been partially constructed.

LOCATION: Section 30, Township 12 South, Range 32 East, Intracoastal Waterway, Flagler County.

STAFF

REMARKS: Field Operations has no objection to the proposed project.

ECOLOGICAL RESPONSES: Department of Natural Resources - Completion of this seawall should not have significant adverse effects on marine biological resources. Consideration should be given to the placement of riprap along the seawall to dissipate wave energy.

Game and Fresh Water Fish Commission - If permission cannot be obtained from the city to construct riprap bulkheads above the mean high water line, then, we recommend that construction permits not be granted.

Department of Pollution Control offers no objection to the proposed project.

NOTE: Applicant has agreed to the use of riprap along the face of the seawall.

Staff recommends issuance of Permit No. 18-39-0115 subject to the seawall being of riprap construction or faced with riprap on the waterward side.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Stone and passed without objection, approving issuance of the permit subject to the use of riprap as recommended.

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LEE COUNTY - Dredge Permit No. 36-21-0771E
(May 31, 1973)

APPLICANT: Town and River Civic Association, Inc.
880 N. Town and River Dr., Fort Myers, Florida

PROJECT: To dredge sand and silt deposits that are obstructing navigation.

LOCATION: Sections 20 & 21, Township 45 South, Range 24 East, Caloosahatchee River, Lee County.

MATERIAL: Approximately 2,400 cubic yards.

STAFF

REMARKS: Field Operations Division - The application as a whole should be denied a permit. Only 3 areas are absolutely necessary. The areas proposed to be dredged are numbers from 1 to 24. Only areas 1, 18 and possibly 24. The remaining are small areas against a seawall that would be bridged by a dock or would in no way be a navigational hazard.

Some areas are in corners of the dead end canals that do not extend far enough to block any boat traffic. In some of these areas red and white mangroves have started to grow. Oyster shells were seen in some areas. These shallow areas should remain.

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Possibly mangroves could be planted for plant filtering of the water and aesthetics.

Areas 1 and 18 are openings to the Town and River Estates canal system. These definitely block the exit and entrance of boaters. These were the only areas of concern to the people that live in Town and River Estates.

Mr. Berube, 6623 Joanna Circle, in front of area 7, did not know of any area in the canal except for the area designated as area 1. Mrs. Kave living on Bal Isle Drive, in front of area 23 was not at all aware that any digging was necessary except for the entrance to the river, area 1. Mr. and Mrs. Diche, 6548 East Town and River Road, thought that area 24 should be dug in order to give Mr. Jones, (not available), some depth to dock his boat. This area, (24), extends across Mr. Jones' lot. His waterfront is approximately 40 feet with about half with only a depth of about 1 - 2 feet at high tide. This area extends out about 10 - 12 feet.

Only areas 1, 18 and 24 should be permitted for maintenance dredging. Noticed were areas in worse condition (shallower), that were not designated as dredge areas.

Staff recommends approval of Permit No. 36-21-0771E for locations 1, 18 and 24, only.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the permit for dredging only the three locations recommended by the staff.

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MANATEE COUNTY - Dredge Permit No. 41-39-0494
(March 1, 1973)

APPLICANT: Town of Longboat Key
c/o Smally, Wellford & Nalven
133 South McIntosh Road
Sarasota, Florida 33580

PROJECT: To install a subaqueous wastewater force main across Sarasota Bay from Longboat Key to the mainland.

LOCATION: Section 19, Township 35 South, Range 17 East, and Sections 24 and 25, Township 35 South, Range 16 East, Sarasota Bay, Manatee County.

STAFF

REMARKS: Field Operations Division has no objection to the project, however, the contractor should be required to replace any mangroves that are destroyed.

ECOLOGICAL RESPONSES: Department of Natural Resources - The proposed dredging required to install a subaqueous wastewater force main across Sarasota Bay would have significant, but relatively limited, adverse effects on marine biological resources.

The bay at the point of crossing is over two miles wide. The proposed dredging would cut through large areas of grass flats and some mangroves along shore. Although dredging and spoiling would have significant adverse effects on shallow grassy bottoms, the area affected would be relatively small. Construction spoil should be backfilled over the pipeline and excess spoil should be removed, as required, to prevent the creation of dikes on shallow flats.

Game and Fresh Water Fish Commission - Deferred to Department of Pollution Control.

Department of Pollution Control has no objections to the proposed project.

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Staff recommends issuance of Permit No. 41-39-0494 subject to the stipulations of Department of Natural Resources and the Trustees of the Internal Improvement Trust Fund's Field Operations.

ACTION OF THE TRUSTEES:

Mr. Christian made a motion to approve the application, whereupon Mr. Stone asked whether the material of the pipeline would be that kind less subject to leakage.

Without objection an amended motion by Mr. Stone, seconded by Mr. Dickinson, passed approving issuance of the permit subject to the stipulations of the environmental agencies and subject to approval of the material of the pipe.

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MONROE COUNTY - Dredge Permit No. 44-20-0348
(April 10, 1973)

APPLICANT: Al Storch
20700 NW First Court, Miami, Florida 33169

PROJECT: To excavate debris, rock and fill from an existing channel for access from Cuda Canal to main channel.

LOCATION: Section 13, Township 62 South, Range 38 East, Key Largo, Monroe County.

MATERIAL: Approximately 150 cubic yards to be dredged.

PAYMENT: Not applicable; state-owned material not involved.

STAFF REMARKS: Field Operations Division recommends that the application be approved.

ECOLOGICAL RESPONSES: Department of Natural Resources - If siltation is adequately controlled removal of this small piece of dry land should not adversely affect marine biological resources.

Game and Fresh Water Fish Commission has no objection to this project.

Department of Pollution Control - Certification will not be required for the subject project.

Staff recommends issuance of Dredge Permit No. 44-20-0348 provided siltation is controlled during dredging.

ACTION OF THE TRUSTEES:

On motion by Mr. Shevin, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the permit subject to the control of siltation during the dredging.

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MONROE COUNTY - Fill and Construction Permit No. 253.03-291
(Revised February 28, 1972)

APPLICANT: Eugene W. Sulzberger
260-95 Street, Miami, Florida 33154

PROJECT: To construct a boat ramp and riprap seawall and to place fill on submerged lands.

LOCATION: Section 7, Township 63 South, Range 38 East, Plantation Key, Monroe County.

ECOLOGICAL RESPONSES: Department of Natural Resources: Survey and Management - This area of submerged land serves as a nursery and feeding ground for marine life and its filling would have definite adverse

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effects on marine biological resources. Beaches and Shores - Fills of this type are undesirable since they interrupt the long shore currents, create pockets which tend to collect floating debris and generally tend to reduce the quality in the area. The piecemeal development of a shoreline in this manner should be discouraged.

Game and Fresh Water Fish Commission - The operation involves the filling of approximately one acre of submerged land which is vegetated by turtle grass and red and green algae. This submerged area serves as an important nursery and feeding ground for marine animals, including crabs, sponges, coral, gastropods and many small fishes. These organisms are an important food source for shore and wading bird population.

Our agency feels the filling of this area would have a definite adverse effect on the fish and wildlife resources of the area and therefore recommends the permit be denied.

Department of Pollution Control has reviewed the proposed project and does not recommend the fill out into Florida Bay.

NOTE: 1. The applicant proposes to deed the seaward one-half of his submerged land to the State upon receipt of permission to fill the landward one-half.

2. The U. S. Bureau of Sport Fisheries and Wildlife and the Environmental Protection Agency have commented adversely on the proposal.

3. Processing of the revised application was delayed by the Department of Pollution Control moratorium in the Florida Keys.

Staff recommends denial of Permit No. 253.03-291.

ACTION OF THE TRUSTEES:

Based on the objections by all state environmental agencies and the adverse comments of the federal agencies, the staff recommended denial of this permit.

On motion by Mr. Stone, seconded by Mr. Shevin and passed without objection, the Trustees denied the application for the permit.

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VOLUSIA COUNTY - Fill Permit No. 253.124-310
(October 7, 1972)

APPLICANT: Robert Poland
207 Virginia Street, Edgewater, Florida

PROJECT: To fill an area 100 feet wide by 150 feet long with trucked in fill.

LOCATION: Section 2, Township 18 South, Range 34 East, Indian River North, Volusia County.

MATERIAL: Fill to be obtained from upland sources.

STAFF

REMARKS: This applicant originally was stopped from filling the parcel by the Florida Marine Patrol and began seeking permission to fill the area under the old permitting system. The application has continually received adverse comments from the environmental agencies.

ECOLOGICAL RESPONSES: Department of Natural Resources - To best conserve marine biological resources, these productive submerged bottoms should not be filled.

The shoreline in the vicinity of this project has been modified in several places. These fills have created pockets which collect floating debris and tend to reduce near shore water circulation. From the point of view of hydraulics, it would be more desirable to

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remove the small finger fills such as occur on the south side of the property in question rather than to fill out to the end of the finger.

Each fill, such as the one proposed, reduces the surface area of the Indian River and thereby reduces the tidal prism thus having an adverse effect on the tidal flushing of the area. Although this fill is fairly small, the effects on the tidal prism of such fills are cumulative and this should be considered when evaluating this project. A hydrographic survey for this single project would not reflect the cumulative effects of such fills and is not required.

Game and Fresh Water Fish Commission - The applicant plans to bulkhead and fill a portion of submerged lands in the Intracoastal Waterway, Volusia County, Florida. The zone to be filled extends approximately one hundred fifty feet into open water. The southernmost border of this zone is a small "finger fill" built several years ago. This small fill is riprapped on both sides. The western shore of the property also has some riprap, but the effects of slight erosion can be seen.

Invertebrate life and algae are established on the stone riprap. The open water area is vegetated with submerged marine plants providing excellent habitat for invertebrates and fish. In personal communication with Mr. Gerald Herting, marine biologist, Florida Department of Natural Resources, he described the area as being "quite productive". Although little blue heron and American egret were the only shore or wading birds seen in the area at the time of inspection the applicant said the area is heavily used by aquatic oriented birds.

Since the forementioned birds often depend on animal life in shallow water for food, our agency does not feel that this proposed project is in the best interest of fish and wildlife resources. We do not recommend issuance of the permit because of the biological damage that would occur.

If the applicant desires a bulkhead we recommend that it be placed above mean high water along his western shore. This should reduce further erosion of this property.

Department of Pollution Control has conducted a detailed review of the subject project. It is recommended that any fill be restricted to approximately 6 feet from the existing shoreline with a sloping riprap type bulkhead. Mr. Poland expressed a desire to dredge an access channel. We would not object to a channel 50 feet wide and 5 feet deep.

OTHERS: Approved by the City of Edgewater by Resolution No. 432.

Staff recommends denial of the application and that the applicant consider the recommendations of the environmental agencies.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said this was an old project application originally filed in 1969 on which adverse comments were made by all state agencies. A formal application filed in October 1972 again received adverse comments from the environmental agencies.

Mr. Christian made a motion to accept the staff recommendation of denial. The motion was seconded by Mr. Dickinson and passed without objection.

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WALTON COUNTY - Construction Permit No. 66-38-0272
(Revised June 15, 1973)

APPLICANT: Board of County Commissioners of Walton County
P. O. Box 507, Defuniak Springs, Florida 32433

PROJECT: To construct a 350-foot seawall and install a boat ramp 12 feet by 50 feet on Choctawhatchee Bay.

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LOCATION: Section 28, Township 2 South, Range 21 West, Choctaw-hatchee Bay, Walton County.

MATERIAL: Fill to be secured from an upland source.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection to the proposed seawall and boat ramp.

ECOLOGICAL RESPONSES: Department of Natural Resources: Survey and Management - While the installation of the proposed boat ramp would have only limited adverse effects on marine biological resources, the extensive, shallow, sandy shelf will most likely limit the usefulness of the proposed boat ramp.

The seawall should be constructed at the mean high water line and fill should be obtained from upland sources.

Beaches and Shores - A hydrographic survey will not be required. The information provided with this application is very sparse. After contacting Mr. Joe Cromartie, the engineer for the project, we were informed that the application was for the construction of a boat ramp and timber seawall approximately at the mean high water line. Based on this information, it is improbable that the boat ramp would have significantly adverse hydrographic effects and the applicant is encouraged to consider placing riprap along the toe of the proposed seawall to retard scouring action and wave reflection.

Game and Fresh Water Fish Commission - Deferred to the Department of Natural Resources.

Department of Pollution Control - Please process the subject project for Trustees action with the following comments from this Department:

1. The seawall be limited to the placement of riprap at the line of mean high water with any required fill to be obtained from upland sources.
2. The boat ramp as shown on the drawings submitted as part of the application is acceptable.
3. Solid waste receptacles provided and disposal to proper sites provided.
4. Storm water drainage should not be routed directly into the bay.
5. Proposed restroom facilities should be approved by our Regional Office in Gulf Breeze.
6. No dredging will be involved.

Please advise as to the acceptability of these recommendations. Issuance of the required public notice will be dependent upon verification of the above. It is the position of this Department that the effect of this project on the Class II waters of Choctawhatchee Bay will be minimal. However, future projects in the area will require careful consideration prior to approval.

NOTE: The applicant has agreed to construct the seawall at the line of mean high water.

Staff recommends issuance of Permit No. 66-38-0272 subject to the stipulations of Department of Natural Resources and Department of Pollution Control.

ACTION OF THE TRUSTEES:

County Commissioner Conley Martin was present in the interest of this application.

Motion was made by Mr. Christian, seconded by Mr. Conner and passed without objection, approving the staff recommendation

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for issuance of the permit with stipulations proposed by the environmental agencies.

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FRANKLIN COUNTY - Marina License Renewal Permit No. ML-18
(February 26, 1973)

APPLICANT: Alligator Point Marina, Inc., (Peter Fenn)
Route 1, Crawfordville, Florida 32327

PROJECT: To renew ML-18 for one year.

LOCATION: Sections 2 and 3, Township 7 South, Range 2 West,
Alligator Harbor, Franklin County.

MATERIAL: Not applicable.

PAYMENT: \$2,099.59 annual fee received.

STAFF

REMARKS: Field Operations Division has no objection to the
renewal of ML-18.

ECOLOGICAL RESPONSES: Not applicable.

Staff recommends renewal of ML-18 for one year.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed
without objection, renewal of the marina license for one year
was approved.

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OKALOOSA COUNTY - Marina License & Construction Permit 46-30-1166E
(June 25, 1973)

APPLICANT: A. P. Qualls, Jr.
P.O. Box 941, Ft. Walton Beach, Florida 32548

PROJECT: To construct a dock covering 12,000 square feet for
mooring a floating restaurant. This application was
filed under the Trustees' exemption rule.

LOCATION: Section 24, Township 2 South, Range 24 West, Santa
Rosa Sound, Okaloosa County.

MATERIAL: Not applicable.

PAYMENT: \$240 received as annual fee.

STAFF

REMARKS: Field Operations Division recommends approval of the
project provided the applicant agrees to control surface
runoff and considers using natural vegetation to control
erosion in the area that is not bulkheaded.

Staff recommends issuance of Marina License and Construction Permit
No. 46-30-1166E subject to the stipulations of the Field Operations
Division.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed
without objection, the Trustees approved issuance of the marina
license and construction permit subject to stipulations of
the Field Operations Division.

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PINELLAS COUNTY - Dredge and Construction Permit No. 52-39-0389
(January 18, 1973, Revised June 28, 1973)

APPLICANT: W. Langston Holland, Trustee
450 Central Ave., St. Petersburg, Florida

PROJECT: To dredge two navigation channels, a marina, two retention lakes, and widen an existing canal. Seawalls and control structures are to be constructed.

LOCATION: Sections 28 & 29, Township 30 South, Range 17 East, Papy's Bayou, St. Petersburg (Harbor Isle), Pinellas County.

MATERIAL: Approximately 650,000 cubic yards of material to be dredged. 25,500 cubic yards of this dredged from sovereignty land to be deposited on city-owned property.

PAYMENT: Not applicable; state-owned spoil to be placed on city property.

STAFF

REMARKS: Field Operations Division - In the comment section of our June 7, 1973, report, reference is made to the elimination of the south canal extending to the Tanglewood Isle Subdivision. Field Operations would have no objection to the canal if the applicant agrees to preserve that area to the east and if DPC has no objection. It seems that in this particular instance, water quality is the overriding factor and DPC comments should be heavily considered.

Also, Field Operations would like to recommend that the applicant eliminate all dredging to be done north of the proposed marina and at the same time reduce the dimensions of the access channel.

ECOLOGICAL

RESPONSES: Department of Natural Resources - The applicant has chosen to develop in a rich estuarine area whose very nature precludes tolerance of human disturbance. This latest development plan, the result of a long series of negotiations, comes closest to successful intrusion with minimum adverse impact upon marine resources.

Game and Fresh Water Fish Commission - In conclusion, this agency objects to the extensive dredging and filling of wetlands habitat and recommends that all such area be deleted from the proposal.

Department of Pollution Control has no objection to the revised project.

OTHERS: 1. The Pinellas County Water and Navigation Control Authority granted Permit DO-214 for this project on January 9, 1973.

2. A petition containing approximately 500 signatures was received in favor of the original dredging request.

3. A petition containing approximately 500 signatures was received in opposition to the original dredging request.

Staff recommends approval of Dredge Permit No. 52-39-0389 as revised.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that the application had been revised four or five times over the past two years and already incorporated some of the modifications being requested by objectors.

Mr. Charles Lee of the Florida Audubon Society introduced into the discussion a letter from the Bureau of Sport Fisheries and Wildlife of the Department of the Interior written to the Army Corps of Engineers that contained eight proposals for revision that would absolve the objections of that federal agency and the Audubon Society.

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Motion was made by Mr. Stone, seconded by Mr. Shevin, to amend the staff recommendation by including those eight proposals as stipulations.

The Director suggested that the staff be allowed to withdraw the application pending study of the letter and advised that at the applicant's request the application had been agendaed with verbal environmental comments on the latest revision. He distributed copies of a map showing 56 acres the applicant offered to deed to the state noting that the staff would contend some of that area was owned by the state.

Mr. Christian suggested approval of the staff recommendation as Mr. Lee could not be sure that the Corps of Engineers would impose the eight requirements in their permit to this applicant.

Mr. Lars Dohm filed a petition on behalf of Riviera Bay Civic Association opposing this Harbor Isle development. He protested seawalls, dredging or filling and indicated that the Civic Association group felt that the channel dredging was for the purpose of getting material for the large fill.

Mr. W. Langston Holland urged approval of the application pending for a long time at the state level and greatly reduced at the insistence of Mr. Kuperberg's office from 350,000 to 25,000 cubic yards of material. He said the fill material would be deposited on city park property, the project had been unanimously approved by city and county authorities as being in the public interest, the applicant would deed to the state land totally above the mean high water line and did recognize that it would have to comply with federal agency requirements to obtain Corps of Engineers permit.

While approval might not depend upon the applicant accepting every one of the recommendations in the letter of Sport Fisheries and Wildlife, Mr. Stone did ask the applicant to consider the eight points and accept as many as it could, if any, and the matter would be brought back to the Board for further consideration.

Governor Askew said the Board was mindful of the several revisions and time spent by this applicant in attempting to resolve the objections, but the item would be withdrawn for staff review of the comments made by the federal agency and further discussion with the applicant.

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HIGHLANDS COUNTY - Construction Permit No. 28-39-0330

At the request of the applicant, A & D Inc. of Lake Placid, the application to relocate a canal control structure and extend a seawall in Lake Clary in Section 30, Township 36 South, Range 30 East, Highlands County, was withdrawn from the agenda and the file was deactivated.

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TRUSTEES OFFICE

The Personnel Rules and Regulations of the Career Service System provide that the agency head shall be responsible for certain personnel actions taken within the agency. Inasmuch as the Board is the head of this agency, it is requested that authority be delegated to the Executive Director to take such personnel actions as required.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Board delegated to the Executive Director authority to take such personnel actions within the agency as required.

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STATE OIL AND GAS DRILLING LEASE AMENDMENTS

Recommendations originating with the committee appointed by the Governor at the meeting of November 9, 1971, which committee was assigned the responsibility of re-evaluating oil exploration policies on state-owned lands (particularly as such policies relate to state forests), have been incorporated in the lease form to be used by the Board of Trustees in granting leases pursuant to Chapter 253, Florida Statutes.

The form of the lease as proposed is attached hereto as an exhibit to this item. Attention of the Board is directed to page 1 of the lease wherein an additional party is added consisting of the agency charged with the responsibility of the proper management of the lands involved in the lease and described as supervising agency. Paragraphs 22 through 28, inclusive, of the proposed form contain additional policies as recommended for adoption by the committee.

Staff recommends approval of the changes subject to further consideration after notice to interested and affected parties and sufficient opportunity for them to be heard upon the matter.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that as the Attorney General's office has indicated the proposed lease form might conflict with some portions of Chapter 377, the staff would review the lease provisions with the office of the Attorney General.

At the request of the Attorney General, consideration of state oil and gas drilling lease amendments was removed from the agenda for rescheduling in a few weeks.

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APPEAL OF FINAL JUDGMENT IN WAKULLA RIVER CASE

Staff general counsel recommends that he be authorized to appeal the judgment in the case of Morrill vs Ball et al for reasons set forth in memorandum delivered to the Trustees with copy of the final judgment.

ACTION OF THE TRUSTEES:

Mr. Kenneth Oertel, chief counsel of the Trustees, said the question as far as legal appeal was concerned was navigability and ownership of the river. The Governor added that in event the court overturned the lower court and held the river was navigable, then the Foundation should apply for a permit for the fence.

The Attorney General said from a professional standpoint he disagreed with the court as to navigability of the river. He did not think the board would take any legal risk by the appeal although he was not quite as optimistic as Mr. Oertel.

The Governor said it was a matter of which definition of navigability was to be accepted and to allow the judgment to go unchallenged would appear to cast some doubt on the sovereignty of similar streams and rivers of the state. As for the fence, the state has a large area in which to take action to protect natural resources.

Motion was made by Mr. O'Malley, seconded by Mr. Shevin and adopted without objection, that the judgment be appealed.

Questions were raised by the members and discussed with Mr. Oertel. The effects of the suit brought by Mr. Morrill were discussed, Mr. Dickinson and the Governor pointing out that there was now a court decision that the Trustees would rather not have had.

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Mr. Morrill said that too often private citizens criticized government and did not come forward, that the Trustees should have brought action to protect the Wakulla River, and he charged that the state had allowed encroachments without permits and did not require biological surveys. He was opposed to appeal only on ownership grounds and felt that state ownership of the river was a technicality so long as Ball was allowed to keep spoilbanks, bulkhead, dock and fence in the river. He asked the board to appoint a group to survey the river to determine the effect of such encroachments.

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Request permission to enter into agreement with the Florida State University Resources Analysis Center for the following services and equipment:

1. Map all state-owned lands, title to which is vested in the Trustees (including current "Murphy Act" land) as identified in the inventory of lands owned by the Trustees on file in the office of the Trustees, at the following scales:

- a. Two small scale (1:625,000) mylar maps of Florida indicating large state-owned parcels; one in color for wall mounting, and one suitable for ozalid or black and white reproduction.
- b. Reproducible mylar county maps (1:10,560 or $\frac{1}{2}$ inch = 1 mile) identifying lands as listed on the state-owned lands inventory.
- c. Reproducible mylar topographic maps using current U. S. Geological Survey Quadrangles. Parcels at this scale will be identified with the appropriate inventory parcel number and user agency code.
- d. Large scale subdivision plats will be prepared for those parcels in subdivisions.

2. All maps will be microfilmed, and a microfilm reader/printer will be purchased within the budget of this contract, and all shall become the property of the Trustees upon termination or completion of the contract.

3. Prepare a listing of current state-owned "Murphy Act" land from the Trustees records on or before December 1, 1973. Such a list is required under Chapter 197.361, Florida Statutes (72-268 Laws of Florida).

The total amount payable for services, equipment, and supplies will be \$30,000 including all incidental expenses and salaries which is the amount appropriated by the 1973 Legislature for land mapping purposes.

Recommend approval and request authority for the Executive Director to execute the agreement.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees authorized the agreement and execution by the Executive Director for the services and equipment requested by the staff.

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DUVAL COUNTY - Extension of Dredge Permit No. 253.123-535

This application is placed on the agenda at the request of the State Treasurer.

APPLICANT: Jacksonville Shipyards, Inc.
Post Office Box 2347
Jacksonville, Florida 32203

PROJECT: To conduct maintenance dredging previously authorized under Permit No. 253.123-535 which will expire on July 24, 1973. Spoil is to be deposited in the open

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water spoil area at Grassy Point. The applicant has not yet obtained a Corps of Engineers permit nor done the work. A 90-day extension of the state permit is requested. An extension of 90 days was approved on April 17, 1973.

LOCATION: Township 2 South, Range 26 East, St. Johns River, Duval County.

STAFF

REMARKS: The staff is recommending this permit extension, but reaffirming the Trustees' position that no spoiling will be authorized in the open water spoil area at Grassy Point after December 31, 1973.

Staff recommends extension of Permit No. 253.123-535 for a period of 90 days.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the Board authorized extension of Permit No. 253.123-535 for 90 days.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

* * * * *

Tallahassee, Florida
August 7, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education

Joel Kuperberg Executive Director

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The minutes of the meeting of July 10, 1973, were approved as submitted.

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TRUSTEES' FUNDS - U.S.G.S. Cooperative Program

The Trustees' share of the cost of development and maintenance of the State Water-Use Plan (U.S.G.S. Cooperative Program) was not appropriated from General Revenue. The Governor had recommended that the state's portion of this program be appropriated through the accounts of the Department of Natural Resources.

The Department of Natural Resources, Division of Interior Resources, acknowledges that it has a cooperative program with

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the U. S. Geological Survey but that no additional funds were appropriated to that Division to continue the subject cooperative program this fiscal year.

Possibly through oversight the Legislature has not provided funding either through the Trustees' fund or through the Department of Natural Resources for the continuance of this program.

The Board of Trustees has cooperated with the U.S.G.S. to provide this information gathering since the mid 1940's. The U.S.G.S. collects and publishes basic hydrologic data on the central Florida chain of lakes for various agencies and the public. Each year the U. S. G. S. lines up various local agencies to participate in sponsoring the program, their commitment being contingent upon Trustees' participation. Estimate of cost for 1973-74 is \$52,000. As in the past the Trustees provide one-fourth, local agencies one-fourth, and U.S.G.S. matches with one-half of the total effort. The Trustees' share of this cost will be \$13,000 for the fiscal year 1973-74. The staff has determined that no other program within the state generates this data and that no funding at this time will result in the U.S.G.S. reassigning its commitment to other priorities, thus losing the value and continuity of the Trustees' program.

The data generated by this program is used by this agency in determining the boundary line separating sovereignty lands of the state from those of a riparian upland owner. 253.151(3)(c) Florida Statutes. To be useful for this purpose the data accumulated must be for no less than ten consecutive years. At this point in time it would be unfortunate to have a break in this stream of data so as to disqualify one of the procedures available to the Board in determining the boundary line as defined in 253.121(2)(b) Florida Statutes.

In order to fund this program, staff requests authority to seek authorization for an allocation from emergency or contingency funds for \$13,000 for the fiscal year 1973-74.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson and seconded by Mr. Stone to approve the staff request.

Governor Askew requested that the item be withdrawn from the agenda until the staff discussed with the Department of Administration other possible avenues of funding. Without objection it was so ordered.

-3-

BREVARD COUNTY - Application for Contract Purchase Deed,
File No. 24742(2034-05)

For the reason that five members were not present to consider the application for issuance of a deed to H. C. Kirk and D. J. Kirk, contract purchasers of 2.43 acres of land abutting Section 22, Township 22 South, Range 35 East, Brevard County, action was deferred without objection.

-4-

BROWARD COUNTY - Construction Permit No. 06-39-0975
(May 21, 1973)

APPLICANT: City of Ft. Lauderdale
Engineering Department
P. O. Drawer 1181
Ft. Lauderdale, Florida 33302

PROJECT: To construct a 10' x 20' floating dinghy dock and install mooring buoys.

August 7, 1973

LOCATION: Section 12, Township 50 South, Range 42 East,
Las Olas Bight, New River Sound, Broward County.

MATERIAL: Not applicable.

PAYMENT: City of Ft. Lauderdale requests waiver of fee.

STAFF

REMARKS: Field Operations Division has no objection to the
proposed project.

ECOLOGICAL RESPONSES: Department of Natural Resources - The
proposed dock construction and installation of mooring buoys
should not significantly affect estuarine and marine biological
resources.

Game and Fresh Water Fish Commission - Deferred to Department
of Natural Resources.

Department of Pollution Control - Certification will not be
required for the subject project.

Staff recommends issuance of Construction Permit No. 06-39-0975
and waiver of fee.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed
without objection, the Trustees approved issuance of the
construction permit to the City of Fort Lauderdale and waiver
of the fee.

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BROWARD COUNTY - Fill Permit No. 06-12-0611

The Trustees deferred consideration of the application of Delphi
Enterprises to construct and backfill a seawall in Section 6,
Township 49 South, Range 43 East, Spanish River in Broward County,
at the request of the applicant whose notification of scheduling
on the agenda was delayed in the mail.

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MONROE COUNTY - Permit No. 44-33-0625
(May 4, 1973)

APPLICANT: Utility Board of the City of Key West
c/o Larry J. Thompson
P. O. Box 1060, Key West, Florida 33040

PROJECT: To install 3.02 miles of 69 kv transmission line
within existing easements from Key West to Stock
Island.

LOCATION: Sections 26, 27, 28, Township 67 South, Range 25
East, Bay of Florida, Monroe County.

MATERIAL: 158.6 cubic yards to be removed during installation
of the poles.

PAYMENT: Not applicable; material to be deposited on publicly-
owned land.

STAFF

REMARKS: Field Operations Division recommends that the proposed
project be approved.

ECOLOGICAL RESPONSES: Department of Natural Resources - This
project would permanently alter approximately 21 sq. yds. of bay
bottom and should not have significant adverse effects on marine
biological resources. The proposed route of the power line would
cross over a mangrove island. Care should be taken to insure

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that this island is not disturbed more than is absolutely necessary for the installation of this facility.

Game and Fresh Water Fish Commission has no objection to proposed project.

Department of Pollution Control - Certification will not be required for the subject project.

Staff recommends issuance of Permit No. 44-33-0625 subject to the recommendations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the permit to the Utility Board of the City of Key West subject to the recommendations of the Department of Natural Resources.

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MARTIN COUNTY - Marina License & Construction Permit 43-30-0646
(May 22, 1973)

APPLICANT: Tanen Construction Company of Eau Gallie, Inc.
P. O. Box 2, Stuart, Florida 33494

PROJECT: To construct docking facilities covering 28,000 square feet in the St. Lucie River.

LOCATION: Sections 16 & 17, Township 38 South, Range 41 East, Martin County.

MATERIAL: Not applicable.

PAYMENT: \$560 annual fee received.

STAFF
REMARKS: Field Operations recommends approval of the project.

ECOLOGICAL RESPONSES: Department of Natural Resources - Bottoms in the subject area consist of soft silt and particulate organic matter. The proposed dock construction should not significantly affect biological resources in the St. Lucie River provided siltation is adequately controlled. A properly installed turbidity curtain should control siltation.

Game and Fresh Water Fish Commission has no objection to the project.

Department of Pollution Control offers no objection to the subject project.

Staff recommends issuance of Marina License and Construction Permit No. 43-30-0646 subject to the stipulation of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the marina license and construction permit subject to the stipulations of the Department of Natural Resources.

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OKALOOSA COUNTY - Marina License & Construction Permit 46-30-0434E
(June 7, 1973)

APPLICANT: Century Park West, Inc.
James R. McCutchan
P. O. Box 641, Ft. Walton Beach, Florida 32548

PROJECT: To construct a T-shaped dock 150 feet long for recreational use of residents of condominium.

August 7, 1973

This application was filed under the Trustees' exemption rule.

LOCATION: Township 2 South, Range 22 West, Choctawhatchee Bay, Okaloosa County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF

REMARKS: Field Operations Division has no objection to the project and recommends that it be exempted if it is reduced to 150 feet in length.

NOTE: The applicant reduced the length of the proposed pier to 150 feet.

Staff recommends issuance of Marina License and Construction Permit No. 46-30-0434E.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the staff recommendation was approved as the action of the Board.

-9A and 9B-

ST. JOHNS COUNTY - Dredge and Utility Permits 55-20-0686 and 55-23-0078; Right of Way Easement File No. 2495-55-253.03

Applications of the Department of Transportation for work in connection with realignment of the intracoastal waterway channel, place an electric cable and realign highway and bridge construction for State Road 206 were deferred because only four members of the Board of Trustees were present on this date.

-10-

CHARLOTTE COUNTY - Dredge Permit No. 08-39-0982
(June 8, 1973)

APPLICANT: General Development Corp.
1111 South Bayshore Drive
Miami, Florida 33131

PROJECT: To dredge 22,000 cubic yards of material from an existing canal.

LOCATION: Section 3, Township 40 South, Range 21 East, Bayshore Waterway, Charlotte County.

MATERIAL: 22,000 cubic yards of material to be placed on uplands.

PAYMENT: Not applicable, state-owned land not involved.

STAFF

REMARKS: Field Operations Division has no objections to the proposed project.

ECOLOGICAL RESPONSES: Department of Natural Resources - A shallow berm 1 to 3 feet deep and approximately 15 feet wide should be constructed along shore. No significant adverse effects are expected to ensue from this project.

Game and Fresh Water Fish Commission - Deferred to the Department of Natural Resources.

Department of Pollution Control has no objections to this project and is holding certification until notification of Trustees' approval.

August 7, 1973

Staff recommends issuance of Dredge Permit No. 08-39-0982 subject to the stipulations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

A correction on the agenda was noted, as the comment of the Department of Pollution Control should have been "...no objections to this project ..."

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the dredge permit subject to the stipulations of the Department of Natural Resources.

-11-

SANTA ROSA COUNTY - Dredge Permit No. 253.123-812
(February 7, 1973)

APPLICANT: Woodland Lake Property Owners
Improvement Association, Inc.
c/o L. A. Hunsley
P. O. Box 283, Gulf Breeze, Florida 32561

PROJECT: To modify Dredge Permit No. 253.123-812 approved August 15, 1972, to include additional dredging which is an extension of natural channel restoration and has been made necessary in large part by extensive wind erosion during Hurricane Agnes.

LOCATION: Section 6, Township 3 South, Range 29 West, Woodland Lake and Pensacola Bay, Santa Rosa County.

MATERIAL: Approximately 700 cubic yards will be used for beach nourishment on Lot 8.

STAFF

REMARKS: Field Operations Division has no objection to this project provided that (1) dikes are constructed to contain spoil (2) no marsh areas are filled (3) spoil is stabilized by planting grasses to prevent wind erosion.

ECOLOGICAL RESPONSES: Department of Natural Resources - The addition of the proposed dredge area in Woodland Lake should not have significant adverse effects on marine biological resources since marine bottoms in the area are sandy, silty, and unvegetated. Spoil should not be placed or allowed at any time to overflow onto adjacent shallow submerged lands in Woodland Lake or Pensacola Bay.

Game and Fresh Water Fish Commission offers no objection to this project.

Department of Pollution Control - In regards to the minor revision to the subject application this department has no objection.

Staff recommends modification of Permit No. 253.123-812 subject to the stipulations of the environmental agencies.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved modification of the permit subject to the stipulations of the environmental agencies.

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MONROE COUNTY - Marina License No. ML-62

APPLICANT: All American Leisure Properties, Inc.
2809 South Ocean Boulevard
Delray Beach, Florida

August 7, 1973

PROJECT: To change title of ML-62 approved February 15, 1972, from Key Motel, Inc., lessor, to All American Leisure Properties, Inc., lessee.

LOCATION: Section 5, Township 66 South, Range 33 East, Bonefish Bay, Monroe County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

Staff recommends approval of change of title of ML-62 from Key Motels, Inc. to All American Leisure Properties, Inc.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved change of title of ML-62 to All American Leisure Properties, Inc.

-13-

DUVAL COUNTY - Dredge & Fill Permit Nos. 253.123-622 & 253.124-132

APPLICANT: Dunn's Terminal
c/o Harbor Engineering Co.
1615 Huffingham Lane
Jacksonville, Florida 32216

PROJECT: To extend Permit Nos. 253.123-622 and 253.124-132 beyond the expiration date of November 17, 1973, to December 31, 1974 to coincide with the U. S. Army Engineers' permit. Certification from the Department of Pollution Control was not received until Spring of 1971, the Corps Permit was not received until December 9, 1971; there has been a 10-week delay due to various labor problems.

LOCATION: Section 23, Township 1 South, Range 27 East, Dunns Creek, Duval County.

MATERIAL: 228,000 cubic yards to be dredged.

PAYMENT: \$22,800 for 228,000 cubic yards of material.

ECOLOGICAL RESPONSES: Department of Natural Resources (9-10-70). The proposed project should not have significant adverse effects on marine biological resources if dredging and filling are carefully controlled to prevent siltation, Wynn Creek and its salt marsh are not filled or silted, and tidal circulation in Wynn Creek is not impaired.

Department of Pollution Control issued certification April 26, 1971.

Staff recommends extension of Dredge and Fill Permit Nos. 253.123-622 and 253.124-132 until December 31, 1974.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objections, the Trustees approved extension of the permits subject to the stipulations of the Department of Natural Resources.

-14-

MANATEE COUNTY - Fill Permit No. 41-13-0269

The Trustees deferred consideration of the application from Commander B. J. May for Fill Permit No. 41-13-0269 for work in Section 31, Township 34 South, Range 17 East, Palma Sola Bay in Manatee County, Florida, at the request of the applicant whose notification of scheduling on the agenda was delayed in the mail.

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HIGHLANDS COUNTY - Dredge Permit No. 28-39-1011E
(June 15, 1973)

APPLICANT: Highlands County Land and Title Co.
Route 1, Box 200, Lake Placid, Florida 33852

PROJECT: To dredge an access channel, maintenance dredge and clear vegetation that is clogging the existing waterway. This application was filed under the Trustees exemption rule.

LOCATION: Sections 15 and 16, Township 36 South, Range 29 East, Jack Creek, Highlands County.

MATERIAL: Approximately 2,389 cubic yards of material.

STAFF

REMARKS: Field Operations Division recommends denial of the exemption permit and advises the applicant to apply under the long form procedure. Several pertinent facts concerning the clearing of Jack Creek should be observed:

1. Clearing Jack Creek would not allow access to Lake Francis due to a concrete spillway (See photo) nor would the clearing operation allow access to Lake June-in-Winter due to culvert spillways.
2. The canal system, which also contains dead-end fingers (see revised sketches), empties into Jack Creek large amounts of nutrient-rich runoff due to development in the area. The Venetian Village portion is partly a muck type of land area also adding to the nutrient flow into Jack Creek from its present state of development. All of this runoff including the overflow from Lake Francis empties into Jack Creek and then into Josephine Creek and finally into Lake Istokpoga. By clearing the vegetation you would be essentially removing this creek's ability to naturally filter the nutrients from the runoff and placing a substantially larger burden on Josephine Creek.
3. The act of dredging 4,300 feet of Jack Creek would create a serious turbidity problem downstream since siltation and turbidity controls in a flowing stream are very difficult to maintain properly.
4. The creek has a population of water lilies (Nymphaea) present. To summarize, this project should not come under the exemption rule due to the ecologically critical parameters involved.

The application for an exemption permit should be denied.

Staff recommends denial of Dredge Permit No. 28-39-1011E and recommends that the applicant apply under standard procedure.

ACTION OF THE TRUSTEES:

Mr. Stone made a motion to deny the application in accordance with the staff recommendation. The motion was seconded by Mr. Christian and without objection, passed.

-16-

LEE COUNTY - Dredge & Fill Permit No. 36-39-0949
(July 30, 1973)

APPLICANT: Captiva Erosion Prevention District
c/o Duane Hall & Associates, Inc.
P. O. Box 6790, Ft. Myers, Florida 33901

PROJECT: Experimental beach nourishment project in conjunction with beach erosion study; 30,000 to 50,000 cubic yards of beach. Sand and shell will be dredged from borrow areas 1200 feet offshore and placed on an approximately 800-foot long strip of beach and its movement traced.

August 7, 1973

LOCATION: Section 22, Township 45 South, Range 21 East, Gulf of Mexico, Captiva Island, Lee County.

MATERIAL: 30,000 to 50,000 cubic yards of beach sand and shell to be dredged and deposited on the beach.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division has no objection provided: (1) public access is allowed after restoration is completed (2) no adverse comments are received from the Department of Natural Resources as far as long-term adverse effects on the area, and (3) proper turbidity controls are used.

ECOLOGICAL RESPONSES: Department of Natural Resources - The proposed dredging should have relatively limited long-term adverse effects on marine life since eventual repopulation of marine sediments would be anticipated. Siltation from the proposed dredging should be minimal, provided sediment such as that sampled is present throughout the dredge area.

Game and Fresh Water Fish Commission deferred to Department of Natural Resources.

Department of Pollution Control recommends approval providing the area proposed for the material is suitable to Department of Natural Resources and turbidity control devices are utilized at the beach spoil site and at the dredge cutter head to prevent turbid waters from reaching littoral water areas.

Certification will be issued upon notification of the Trustees approval.

NOTE: The riparian owner has furnished a quitclaim deed to all lands offshore the existing mean high water line in lieu of the establishment of an erosion control line.

Staff recommends issuance of Permit No. 36-39-0949 subject to stipulations of the Department of Pollution Control and Trustees' Field Operations Division.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and Mr. Christian, passed without objection, the Trustees approved issuance of the permit subject to the stipulations of the Department of Pollution Control and Trustees' Field Operations Division.

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ST. JOHNS COUNTY - Marina License & Construction Permit No. 55-30-0775, (June 15, 1973)

APPLICANT: St. Augustine Trawlers, Inc.
c/o Harbor Engineering Co.
1615 Huffingham Lane, Jacksonville, Florida

PROJECT: To construct a 175-foot dock covering 17,500 square feet.

LOCATION: Section 19, Township 7 South, Range 30 East, San Sebastian River, St. Johns County.

MATERIAL: Not applicable.

PAYMENT: \$350 annual fee.

STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL RESPONSES: Department of Natural Resources has no objection to the proposed project.

August 7, 1973

Game and Fresh Water Fish Commission deferred to the Department of Natural Resources.

Department of Pollution Control has no objections to the proposed construction.

Staff recommends issuance of the marina license and construction permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the marina license and construction permit.

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LEE COUNTY Construction Permit No. 36-37-0263
(July 10, 1973)

APPLICANT: Lovers Key Corporation
c/o Thomas M. Ervin
P. O. Box 1170, Tallahassee, Florida

PROJECT: To extend Construction Permit No. 36-37-0263 for 18 months to allow consecutively phased construction of the structures to proceed. The permit was approved. February 6, 1973.

LOCATION: Section 11, Township 47 South, Range 24 East, Lovers Key, Big Carlos Pass, Lee County.

MATERIAL: Not applicable.

STAFF

REMARKS: Field Operations has no objections although the Trustees should take into consideration density and traffic problems that currently exist in the Ft. Myers Beach area. Approval of a bridge to open up a new area for development may bring additional pressures for a mid-island bridge across the Estero Bay Aquatic Preserve from the mainland.

ECOLOGICAL RESPONSES: Department of Natural Resources - The limited construction required for the installation of two bridges over submerged land should not have significant adverse effects on marine biological resources provided every effort is made to contain the by-products of construction on the uplands and keep disturbance of the submerged lands and water column at a minimum.

Game and Fresh Water Fish Commission has reviewed the permit and have no objections to its issuance.

Department of Pollution Control has no objections to the proposed project.

Staff recommends approval of extension of 18 months for Construction Permit No. 36-37-0263.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees approved extension of the permit for a period of 18 months.

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WALTON COUNTY - Fill Permit No. 253.124(8)-1215
(April 24, 1972)

APPLICANT: F. Mooney Nalty
P. O. Box 767, Brewton, Alabama 36426

August 7, 1973

PROJECT: To construct a seawall in Choctawhatchee Bay. The seawall has been partially constructed.

LOCATION: Section 28, Township 2 South, Range 21 West, Choctawhatchee Bay, Walton County.

STAFF

REMARKS: Field Operations has no objections to issuance of this permit. However, it should be carried out under the provisions of 253.124(7). As the report indicates there has been extreme erosion in the area and there appears to have been little environmental damage.

ECOLOGICAL RESPONSES: Department of Natural Resources - Shallow, near-shore bay bottoms were disturbed and eliminated during the unauthorized construction of the bulkhead and fill. Presumably, the natural bottoms were sandy and unvegetated as are adjacent submerged lands. While the unauthorized bulkhead may cause increased erosion problems on adjacent waterfront property, it has had only limited adverse effects on marine biological resources. Requiring restoration of the area would only multiply the disturbances to the bay; however, the applicant should be required to place riprap rubble along the base of the bulkhead to establish an artificial intertidal zone conducive to the propagation of marine life.

Game and Fresh Water Fish Commission deferred to the Department of Natural Resources.

Department of Pollution Control - Review of the subject project indicates that the work has already been accomplished. Had the work not been done it would have been our recommendation that a riprap type wall be installed at the line of mean high water.

We have no basic objections other than that stated above. It is recommended that in Class II waters that any construction be limited to sloping riprap for shoreline protection with no dredging or filling involved.

OTHERS: The Corps of Engineers issued Permit 72-27 on April 17, 1972.

Staff recommends issuance of Permit No. 253.124(8) 1215 provided riprap is placed waterward of the seawall.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the permit provided riprap is placed waterward of the seawall.

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PALM BEACH COUNTY - Fill Permit No. 253.124-131
(July 9, 1973)

APPLICANT: DiVosta Rentals, Inc.
c/o Burns and Weber
P. O. Box 349, West Palm Beach, Florida 33402

PROJECT: To extend Fill Permit No. 253.124-131 approved by the Trustees on May 26, 1970.

LOCATION: Section 27, Township 43 South, Range 43 East, Lake Worth, Palm Beach County.

NOTE: This permit was originally issued as a result of a Circuit Court order. The applicant was denied a Corps of Engineers permit and is currently in litigation with the Federal Government.

Staff recommends extension of Permit No. 253.124-131 for a period of three years.

August 7, 1973

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Dickinson, passed without objection, the Trustees approved extension of the permit for a period of three years.

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LAKE COUNTY - Dredge Permit No. 35-20-0303
(May 25, 1973)

APPLICANT: Dr. & Mrs. James W. Todd
c/o Glenn Burbans Land Development Co.
North Highway 19, Eustis, Florida 32726

PROJECT: To dredge a channel 200 feet long and 60 feet wide in a marsh between open water and the applicant's uplands to allow access to Lake Dalhousie. The original application was denied April 4, 1973.

LOCATION: Section 28, Township 18 South, Range 27 East, Lake Dalhousie, Lake County.

MATERIAL: Approximately 1,600 cubic yards of material to be placed on uplands.

STAFF

REMARKS: Field Operations Division recommends approval of the project provided the following stipulations are adhered to:

1. That no more than a 60-foot width of marsh be degraded in the process (That in digging the canal, the dragline should not degrade any additional marsh area by rolling over it or placing fill on it to walk along the canal). Field Operations feels that only 60 feet would be disturbed if the dragline made a 40-foot cut to the water and in so doing placed the spoil in front of the machine in a 20-foot berm. Then when the dragline reaches the lake, it could dig out the 20-foot wide area as it returns to the upland.
2. All spoil shall finally be placed on the upland area.
3. A turbidity curtain or other suitable device should be used during the operation.

ECOLOGICAL RESPONSES: Department of Natural Resources concurs with the findings of the Florida Game and Fresh Water Fish Commission contained in their report of January 24, 1973: "Marsh areas such as this are essential for the continued productivity of fresh water lakes. They are important nursery areas for various fish and wildlife species, they are a primary source of fish and waterfowl food organisms, and they provide a biological filter for the Lake through absorption of nutrients."

Game and Fresh Water Fish Commission has no objections to the issuance of a permit for cleaning the existing canal to a width of 30 feet and for scraping the vegetation and muck from an additional 30-foot wide section north of the canal.

Department of Pollution Control - This agency recommends: (1) The dredging be limited to a width of 60 feet (2) Turbidity be controlled (3) Spoil be placed on true uplands.

Staff recommends issuance of Permit No. 35-20-0303 subject to the stipulations of the environmental agencies.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the permit subject to the stipulations of the environmental agencies.

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WALTON COUNTY - Dredge & Construction Permit No. 66-38-0407
(February 7, 1973)

APPLICANT: City of DeFuniak Springs
c/o Harold Goodwin, Mayor
City Hall, DeFuniak Springs, Florida 32433

PROJECT: To dredge in Lake Stanley to create a swimming area,
restore the beach area and construct a boat ramp 12
feet by 50 feet.

LOCATION: Section 22, Township 3 North, Range 19 West, Lake
Stanley, Walton County.

MATERIAL: Approximately 1,500 cubic yards of material to be
deposited along the adjacent uplands from the marsh
for establishing parking spaces, and for the extension
of a city park facility.

PAYMENT: Not applicable, no state-owned lands involved.

STAFF

REMARKS: Field Operations Division has no objection provided
proper turbidity controls are used.

ECOLOGICAL RESPONSES: Department of Natural Resources - Deferred
to the Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - We would be amenable to the
proposed project, provided the applicant adheres to the following
recommendations related to the protecting of the surrounding
natural conditions in the project vicinity. (1) The implementation
of work plans must include adequate measures to prevent any silta-
tion to Lake Stanley, during and after construction. (2) The
marshy area located directly across the dirt boat ramp from the
project area, should be left unaltered.

Department of Pollution Control has no objection to the proposed
project.

NOTE: The City of DeFuniak Springs agrees to implement their plan
to include the recommendations of the Game and Fresh Water Fish
Commission.

Staff recommends issuance of Dredge and Construction Permit No.
66-38-0407, subject to the stipulations of the Game and Fresh
Water Fish Commission.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed
without objection, the Trustees approved issuance of the permit
subject to the stipulations of the Game and Fresh Water Fish
Commission.

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PALM BEACH COUNTY - Artificial Reef Permit No. 50-32-0958
(May 18, 1973)

APPLICANT: Board of County Commissioners
Palm Beach County
P. O. Box 2429, W. Palm Beach, Florida

PROJECT: To continue the construction of an artificial reef
by Permit No. 2318 approved November 14, 1967. The
reef is to be constructed of metallic scrap, automobile
tires weighted with concrete, and three liberty ships.

LOCATION: Atlantic Ocean off Palm Beach Inlet, Palm Beach County.

PAYMENT: Not applicable.

August 7, 1973

STAFF

REMARKS: Field Operations Division recommends approval of this project.

ECOLOGICAL RESPONSES: Department of Natural Resources - An area biologist with the Bureau of Marine Science reports that the existing reef structures are used by a variety of fishes and are popular with sport and commercial fisherman. The proposed additional reef construction should further enhance fishing in the area. Beaches and Shores: A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - deferred to Department of Natural Resources.

Department of Pollution Control offers no objections to the proposed reef, providing all oils and greases and floatable materials are removed from the materials used for the reef.

Staff recommends issuance of Artificial Reef Permit No. 50-32-0958 subject to the stipulations of the Department of Pollution Control.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the permit subject to the stipulations of the Department of Pollution Control.

-24-

MARTIN COUNTY - Release of Deed Restrictions

Without objection, as only four members were present the Board deferred consideration of the request of the City of Stuart for release of use restrictions on land owned by the city described as 3.75 acres in the SW $\frac{1}{4}$ of Section 9, Township 38 South, Range 41 East, at the NE corner of the intersection of Colorado Avenue (State Road 76) and Monterey Road immediately outside of the south incorporated limits of Stuart in Martin County.

-25-

PALM BEACH COUNTY - Seismic Survey Permit
(June 18 and July 6)

APPLICANT: Shell Oil Company
P. O. Box 1411, Arcadia, Florida

REQUEST: Permission to conduct a seismic survey across state-owned land.

LOCATION: A line running across Sections 2, 3, 21, 22, 26, 28, 29, 30, 31, 32, 33 and 34, Township 46 South, Range 35 East; Sections 4, 5 and 6, Township 47 South, Range 36 East and Section 5, Township 43 South, Range 39 East, Palm Beach County.

The Game and Fresh Water Fish Commission and Central and Southern Florida Flood Control District have reviewed and have no objection to the proposed seismic survey.

U. S. Sugar Corporation, holder of Grazing Lease No. 2004 covering Section 5, Township 43 South, Range 39 East, has no objection to the proposed survey.

The Department of Natural Resources has no objection to the proposed survey provided that Shell be required to drive a 10-foot cement post in the top of each shot hole to a point 3 feet below the ground surface and that the surface be restored.

August 7, 1973

Recommend granting Shell Oil Company permission to conduct its survey across these state lands subject to the conditions set forth above.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the seismic survey permit subject to the provisions recommended by the Department of Natural Resources.

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ESCAMBIA COUNTY - State Building Lease

As only four members were present, the Trustees deferred consideration of an application of the Board of County Commissioners of Escambia County to lease a state office building located on the West 40 feet of Arpent Lot 36 and East 65 feet of Lot 37 Arpent Lots, Old City Tract, City of Pensacola (24 West Chase Street) in Escambia County.

-27-

OKALOOSA COUNTY - Fill Permit No. 46-39-0813E
(June 6, 1973)

APPLICANT: William E. Winsor
504 Van Buren Street
Ft. Walton Beach, Florida 32548

PROJECT: To construct a seawall 24 feet long with riprap to be used on that portion of the seawall between bayou floor and high water mark. This is an exemption permit.

LOCATION: Section 2, Township 2 South, Range 24 West, Cinco Bayou (Five Mile Bayou), Okaloosa County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: It is recommended that the project be denied due to shoreline hydrographics.

Staff recommends denial of Fill Permit No. 46-39-0813E.

ACTION OF THE TRUSTEES:

The staff recommendation for denial of the fill permit was accepted on motion by Mr. Christian, seconded by Mr. Stone and passed without objection.

-28-

PINELLAS COUNTY - Dredge & Construction Permit No. 52-39-0389
(January 18, 1973, Revised June 28, 1973)

APPLICANT: W. Langston Holland, Trustee
450 Central Ave., St. Petersburg, Florida

PROJECT: To dredge two navigation channels, a marina, three retention lakes, and widen an existing canal. Seawalls and control structures are to be constructed.

LOCATION: Sections 28 and 29, Township 30 South, Range 17 East, Papy's Bayou, St. Petersburg (Harbor Isle), Pinellas County.

MATERIAL: Approximately 650,000 cubic yards of material to be dredged. 25,500 cubic yards of this dredged from sovereignty land to be deposited on city-owned property.

August 7, 1973

PAYMENT: Not applicable; state-owned spoil to be placed on city property.

ECOLOGICAL RESPONSES: Department of Natural Resources - The staff of this office has reviewed and concurs with the revisions of July 27, 1973.

Game and Fresh Water Fish Commission - This newest proposal has eliminated most of the objections voiced in earlier planning sessions. The western detention pond has been moved to provide for the preservation of a mangrove lagoon; the northern channel has been deleted; and the marina depth has been established at 7 feet mean low water. These alterations will eliminate many of the environmental problems associated with this proposal.

We also understand that approximately two acres of mangrove wetlands will be filled. According to the applicant, these areas are above the established mean high water line. However, it is our opinion that these wetlands provide habitat for fish and wildlife and we, therefore, remain in opposition to this portion of construction activities.

Department of Pollution Control has no objection to the revised project.

As agreed to at the meeting on July 27, 1973, a review was made of the documentation that had been previously submitted to this Department. It is apparent that the project as presented in Friday's meeting is an improvement over what has previously been submitted. As we had not objected to previous revisions we offer no objections to the overall project now. However, as the drawings are not correct nor are they legible it is requested that adequate drawings be submitted. Mr. Holland is to submit these drawings prior to Trustees' action.

Regarding the discussion on July 27, 1973, a revised depth in the basin should be shown. The depth should be as close to -7 feet in depth and no deeper than the connecting channel. As the retention ponds may be a real problem from a water quality standpoint due to their extreme depth any overflow from these ponds will require monitoring. These items will be covered in our certification.

OTHERS: 1. The Pinellas County Water and Navigation Control Authority granted Permit DO-214 for this project on January 9, 1973.

2. A petition containing approximately 500 signatures was received in favor of the original dredging request.

3. A petition containing approximately 500 signatures was received in opposition of the original dredging request.

NOTE: The lands to be preserved are to be deeded to the State of Florida.

Staff recommends approval of Dredge Permit No. 52-39-0389 as revised, subject to conveyance of title to the lands to be preserved in their natural state.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that Mr. Charles Lee, representing the Florida Audubon Society, attended the Friday interagency meeting prior to this Board meeting and subsequently advised that objections had been withdrawn as the application had been revised to the satisfaction of the Society.

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the revised dredge permit subject to conveyance of title to the lands to be preserved in their natural state.

-29-

FLAGLER COUNTY - Timber Salvage

APPLICANT: Wadsworth Lumber Company, Inc.
Bunnell, Florida 32010

REQUEST: Salvage burned timber

LOCATION: Government Lots 1, 2 and 3, Section 18, Township
10 South, Range 31 East, Flagler County - 187.11 acres.

OFFER: Tree length material - \$15 per cord or \$5.40 per ton.
Pulpwood material - \$10 per cord or \$3.60 per ton.
These figures are based on 5,560 pounds per cord. This
offer will remain in effect until August 15.

The Division of Forestry advised that on July 13 a severe, hot fire caused by lightning burned approximately 24 acres of land the title to which is vested in the Trustees by virtue of deed from the State Board of Education under Section 253.03(6), Florida Statutes. The trees in this area were severely burned and have already been attacked by black turpentine beetles. In the older trees and some small timber, attacks of the Ipa beetle were found. It is the opinion of the District Forester in this area that the burned timber will die from the beetle attacks and fire damage and recommends a salvage cut be made immediately to get full value from this timber.

A timber cruise by the District Forester estimates approximately 144 cords of pulpwood, 259 cords of tree length logs and 10 cords of over-mature trees. This will net a sale of approximately \$5,500.

The Division of Forestry advises that Wadsworth Lumber Company, Inc., is a reputable firm and the offer made is in line with what is being paid for timber in the area.

Legal has advised that under the circumstances this is a salvage problem and not a sale of surplus timber so that bidding procedures followed in a sale of timber are not applicable. The problem of distribution of the funds to the school fund or to the Trustees' Trust Fund involves a complex question of statutory and constitutional construction, the determination of which should not be allowed to delay the salvaging of the timber.

It is recommended that the offer from Wadsworth Lumber Company, Inc., be accepted and due to the need for immediate commencement of cutting operation the Executive Director be authorized to execute a letter of agreement in the form suggested by the Division of Forestry.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved the staff recommendation to accept the offer from Wadsworth Lumber Company, Inc., and authorized the Executive Director to execute a letter of agreement in the form suggested by the Division of Forestry.

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LEON COUNTY - Lake Jackson

Early in the cabinet meeting on this date Governor Askew stated that the Comptroller had requested deferral for two weeks of consideration of the Lake Jackson matter, and it would be deferred.

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SARASOTA COUNTY - Beach Nourishment - City of Sarasota - Lido Beach (June 20, 1973)

APPLICANT: City of Sarasota
P. O. Box 1058, Sarasota, Florida 33578

August 7, 1973

PROJECT: The U. S. Army Corps of Engineers, by authorization of Trustees' Easement No. 23642-A Corrective, will dredge material from New Pass for maintenance. This material will be placed on the City's public beach on Lido Key and on state-owned sovereignty land.

LOCATION: Lido Key Beach in Sections 27, 34, 35, Township 36 South, Range 17 East, Sarasota County.

MATERIAL: 26,200 cubic yards of material to be dredged.

PAYMENT: Waived as upland is owned by the City of Sarasota.

STAFF

REMARKS: Initially on September 9, 1969, the Board of Trustees approved dredge and fill easements to the City of Sarasota to renourish Lido Key Beach with 425,000 cubic yards of material dredged from two offshore borrow areas. Work under this easement has been performed.

The Bureau of Beaches and Shores, Department of Natural Resources, has an agenda item on this project before the Cabinet this date.

Staff recommends concurrence with the agenda item on this project this date by the Bureau of Beaches and Shores, Department of Natural Resources, subject to receipt of waiver or quitclaim of any title to filled area waterward of mean high tide line as of the date of commencement of the project.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendations were approved as the action of the Board.

On motion by Mr. Stone, seconded by Mr. Dickinson, the rules were waived to consider the next two items not on the original printed agenda.

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PALM BEACH COUNTY -- Dredge & Construction Permit No. 50-21-1380

This item is placed on the agenda at the request of Governor Reubin O'D. Askew.

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: To perform maintenance dredging and to relocate a portion of the C-51 Canal in conjunction with the construction of I-95 as set out in the four party agreement between the Central and Southern Florida Flood Control District, Seaboard Coast Line Railroad, Trustees of the Internal Improvement Trust Fund, and the Department of Transportation dated August 14, 1972.

LOCATION: Sections 4, 9 and 16, Township 44 South, Range 43 East, C-51 Canal, Palm Beach County.

MATERIAL: The material dredged is to be used in construction of embankment for I-95.

PAYMENT: Not applicable.

ECOLOGICAL RESPONSES: Department of Natural Resources has no objection.

Game and Fresh Water Fish Commission has no objection.

Department of Pollution Control has no objection.

NOTE: Approval of this project does not indicate approval by the Trustees' staff or the environmental agencies for the Central and

August 7, 1973

Southern Florida Flood Control District proposal to widen the entire C-51 Canal.

Staff recommends issuance of Permit No. 50-21-1380 without the Trustees expressing a commitment to the overall C-51 widening project proposal.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson, and passed without objection, the Trustees accepted the staff recommendation as the action of the Board.

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PATENTS, COPYRIGHTS AND TRADEMARKS - State Department of Education (This matter also appears with Board of Education agenda this date.)

This item was placed on the agenda at the request of Commissioner of Education Christian.

APPLICANT: Board of Regents

REQUEST: Approval of a proposed license with Scintillonics, Inc., of Fort Collins, Colorado for the manufacture and sale of an invention called "Temperature Stabilized Spectral Source" developed by three University of Florida faculty members under a grant from the U. S. Air Force.

Application by the inventors was made for Letters Patent of the United States of America on March 6, 1972, with rights in patent assigned to the Board of Regents. The patent has not been issued but assurance has been received from the Patent Office that the patents should issue in due course.

Under the terms of the Air Force grant all right, title and interest in and to any invention were made the property of the U. S. Government. The University of Florida has received from the Air Force rights in the patent not otherwise reserved to the United States.

The University has negotiated with Scintillonics, Inc., and has agreed to terms of a license considered by the Regents to be fair and equitable to both licensor and licensee. Returns from the proposed license are to be used first to reimburse the University for expenses incurred in obtaining the patent and thereafter royalties are to be divided equally between the University and the three inventors.

The Board of Regents on July 25, 1973, approved the proposed license to Scintillonics, Inc., and requested the Board of Education and the Board of Trustees to approve the proposed licensing.

Staff legal counsel has reviewed this matter and advises that there is no legal impediment to the approval by the Trustees in their exercise of powers granted them by Chapter 286, Florida Statutes, of the licensing of the invention in accordance with agreements reached with Scintillonics, Inc.

Recommend authorizing the Board of Regents to issue the proposed license to Scintillonics, Inc., for and on behalf of the University of Florida if approved by the Board of Education.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - 
CHAIRMAN

ATTEST: 
EXECUTIVE DIRECTOR
* * * * *

Tallahassee, Florida
August 21, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg Executive Director

Action taken by the Trustees at this meeting was pursuant to unanimous vote of the members present, unless the contrary is specifically reflected in the minutes.

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The minutes of the meeting of July 17, 1973, were approved as submitted.

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TRUSTEES' FUNDS

Staff requests authority to retain the consulting firm, FINANCIAL CONTROLS, INC., for professional services in performing the following tasks:

- A. Identify and evaluate the technical and engineering requirements necessary to properly process permit exemption applications in the field and in Tallahassee. Make recommendations on proper location for processing these exemptions. Assist in the development and in the implementation of techniques for processing exemption applications.
- B. Review and make recommendations pertaining to possible incorporation of land records permitting functions into the current system, considering the special requirements of those functions.
- C. Conduct a detailed audit of current permitting section to assure that the original objectives have been met. Recommend and assist in the development or modifications necessary to support new laws and rules.
- D. Evaluate the current and planned activities in the mapping and microfilming areas as they relate to the organization requirements, with emphasis on joint development and sharing of technical and associated engineering information.

August 21, 1973

All work done by Financial Controls, Inc., must be completed by January 30, 1974. Total costs for these services will be limited to \$12,500 - professional fees, \$10,000, and travel and other expenses not to exceed \$2,500. Funds are available within the current budget.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees authorized the consulting firm, Financial Controls, Inc., to be retained as requested by the staff with the work to be completed by January 30, 1974, and the costs to be limited to \$12,500 as shown on the agenda.

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ALACHUA COUNTY - Murphy Act Land Sale (Hardship Act)
(August 2, 1973)

APPLICANT: Nellie Mae Lewis
Route 2, Box 125, Hawthorne, Florida 32640

REPRESENTED
BY: A. Curtis Powers, Clerk of the Circuit Court
of Alachua County, Florida.

REQUEST: Application under Section 197.355, Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act), to purchase Lots 1, 2, 3, Block 20, Orange Heights, Section 7, Township 9 South, Range 22 East, Alachua County, embraced in Tax Sale Certificate No. 367 of 1902.

OFFER: \$90 for these lots. The 1932 assessed value was \$30.

STAFF

COMMENTS: Tax Sale Certificate No. 367 of 1902 was overlooked when Tax Sale Certificate No. 846 of 1937 was redeemed March 24, 1945. The amount of the certificate prorated is \$1.23.

The applicant is the widow of the former owner on June 9, 1939. The application qualifies under the so-called "Hardship Act."

There has been deposited with the Clerk of the Circuit Court of Alachua County an amount equal to the sum of all state, county taxes and assessments due to the date of the application.

Recommend conveying the interest of the State of Florida in these lots to Nellie Mae Lewis for \$90, following established policy.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees approved the sale of Murphy Act land under provisions of the Hardship Act to Nellie Mae Lewis for \$90 as recommended by the staff.

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MANATEE COUNTY - Public Sale of Murphy Act Land
(August 9, 1973)

DESCRIPTION: Lot 4, Block 3, Taylors Resubdivision, Section 15, Township 34 South, Range 17 East, Manatee County, Florida.

LOCATION: This 50 ft. by 120 ft. lot in a medium income residential neighborhood containing a mix of commercial, governmental, institutional and residential uses is level and grass sodded. It is adjoined on the west by a single family dwelling and on the east by a church.

August 21, 1973

APPRAISAL: By Staff Appraiser, \$1,200.

AUTHORITY FOR
SALE: Section 197.350, Florida Statutes.

DATE OF SALE: July 24, 1973, by Clerk of the Circuit Court of
Manatee County.

HIGH BIDDER: Palmetto Assembly of God, Inc.

HIGH BID: \$3,087.05

Recommend confirmation of sale of this lot to Palmetto Assembly
of God, Inc., for \$3,087.05 plus costs of advertising and clerk's
fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed
without objection, the Trustees approved the sale of land to
Palmetto Assembly of God, Inc., for \$3,087.05 plus costs of
advertising and fees of the Clerk of the Circuit Court of
Manatee County under provisions of the Murphy Act.

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• ESCAMBIA COUNTY - State Building Lease

APPLICANT: Board of County Commissioners of Escambia County

REQUEST: Lease of state office building.

LOCATION: West 40 feet of Arpent Lot 36 and East 65 feet of
Lot 37, Arpent Lots, Old City Tract, City of Pensacola,
Escambia County (24 West Chase Street).

The building is a two-story, masonry-walled building containing
7,300 square feet of space with self-service elevator, central
heating and air conditioning, located one-half block from the center
of downtown Pensacola in close proximity to the Escambia County
Courthouse.

On August 3, 1972, this building was declared by the Department
of Health and Rehabilitative Services to be surplus to the needs
of the Division of Family Services. After notice to all state
agencies, City of Pensacola and Escambia County that the building
was available for office space, only the county indicated a need
for additional office space in downtown Pensacola.

By resolution adopted on June 7, 1973, the Escambia County Board
of County Commissioners requests use of the entire building as an
auxiliary county building to be occupied by the Escambia County
Department of Community Development, Escambia County Civil Service
Board, Data Processing Board, Escambia County Department of
Transportation and other county departments.

Although the building is structurally sound, the county has
agreed to assume the obligation of necessary renovation and
maintenance for its use.

Recommend granting staff authority to enter into a lease with
Escambia County for a term of ten years.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed
without objection, the request from the Board of County
Commissioners of Escambia County was granted and the staff
was authorized to enter into the lease for a term of ten years.

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MARTIN COUNTY - Release of Deed Restrictions

August 21, 1973

APPLICANT: City of Stuart, by W. R. Scott, City Attorney

REQUEST: Release of use restrictions on land owned by the City of Stuart.

LOCATION: 3.75 acres in SW $\frac{1}{4}$ of Section 9, Township 38 South, Range 41 East at the NE corner of the intersection of Colorado Avenue (State Road 76) and Monterey Road lying immediately outside of the south incorporated limits of Stuart, in Martin County.

OFFER: \$39,750 representing $\frac{1}{2}$ current market value of the parcel free of the use restriction.

The parcel reverted to the State under Chapter 18296, Acts of 1937 (Murphy Act), and was conveyed to the City of Stuart by Murphy Act Deed No. 03-Chapter 21684 dated October 4, 1946, for the consideration of \$33 with use of the parcel restricted to cemetery purposes. Some 15 to 20 graves have been located on a 45 ft. by 150 ft. portion of the parcel which is adjacent to the original Walter Moore Cemetery. The remainder of the parcel has not been utilized for burial purposes.

Staff appraiser considers the value enhancement of the 3.75 acres with the restriction lifted to be \$79,500 under the highest and best use premise which is commercial development. The city wishes to dispose of the property and use the proceeds to acquire land adjacent to its existing city hall for construction of a new city hall.

It is recommended that the Trustees release the restrictive use provision for one-half of the value enhancement or \$39,750.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees released the restrictive use provisions on the described land owned by the City of Stuart for payment of one-half of the value enhancement or \$39,750.00 as recommended by the staff.

-7-

DADE COUNTY - Road Right of Way Easement
(July 30, 1973)

APPLICANT: Metropolitan Dade County
Public Works Department

REQUEST: Easement for public road purposes requested by Resolution No. R-871-73 adopted July 17, 1973.

LOCATION: East 50 feet of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26, Township 53 South, Range 39 East, Dade County, containing 1.52 acres.

This parcel of land is needed as part of the right of way being acquired by Dade County for construction of Northwest 127 Avenue.

Recommend issuance of easement to Dade County for public road purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees granted the request of Metropolitan Dade County and authorized issuance of the easement for public road purposes only.

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CHARLOTTE COUNTY - Advertise for Oil and Gas Lease
(July 17, 1973)

August 21, 1973.

APPLICANT: Kirby Petroleum Company
Houston, Texas

REQUEST: Advertise an oil and gas drilling lease for bids.

LOCATION: E½ of NW¼ of SW¼ of NW¼ and W½ of SE¼ of SW¼ of NW¼
of Section 16, Township 41 South, Range 24 East,
10 surface acres, Charlotte County.

INTEREST
OF STATE: The State of Florida holds an undivided one-half
interest in all petroleum and petroleum products in
this privately-owned parcel as a result of Murphy
Act Deed No. 416 dated December 15, 1952.

This parcel lies within the boundaries of the Webb Wildlife Manage-
ment Area, currently under an oil and gas lease to Shell Oil
Company.

All proceeds from the proposed lease will go to General Revenue
unallocated.

This request has been reviewed by the Oil and Gas Coordinator,
Bureau of Geology, Department of Natural Resources, who concurs
in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term
oil and gas drilling lease with annual rental of \$1 per net mineral
acre, 1/8 royalty, \$50,000 surety bond and at least one test well
every 2½ years drilled to a depth of 6,000 feet or to those intervals
within the Lower Cretaceous which are known to produce elsewhere
in the area, whichever is deeper.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed
without objection, the Board authorized advertisement for sealed
bids as recommended by the staff.

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SANTA ROSA COUNTY - Oil and Gas Lease Assignments

APPLICANT: Continental Oil Company
Lafayette, Louisiana

REQUEST: Approval of assignment of Oil and Gas Leases
Nos. 2617-MA and 2623-DOT to Continental Oil Limited,
a limited partnership, Houston, Texas, as required
by provision No. 13 of each lease.

Continental Oil Company, as present lessee of these two leases, has
filed executed copies of assignments for the two leases. Staff
legal counsel has reviewed and approved each assignment as to form
and legality.

Recommend approval of assignments.

ACTION OF THE TRUSTEES:

The Trustees approved the assignments on motion by Mr. Christian,
seconded by Mr. Stone, and passed without objection.

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BROWARD COUNTY - Dedication of Land for Hospital

APPLICANT: South Broward Hospital District, a political
subdivision of the State of Florida created by
Chapter 24415, Special Acts of 1947, Laws of Florida.

REQUEST: Dedication of 20 acres for new medical facility
requested by Resolution adopted on June 20, 1973,

August 21, 1973

by the Board of Commissioners of the South Broward Hospital District.

LOCATION: Portions of Tracts 49, 50 and 51, Section 16, Township 51 South, Range 41 East, of the Everglades Sugar and Land Company Subdivision, as recorded in Plat Book 2, page 75 of the Public Records of Dade County, and lying in Broward County.

This property is a portion of the 285.95-acre tract on which is located the South Florida State Hospital. Title to this land is vested in the Board of Trustees with use and control in the Department of Health and Rehabilitative Services. That Department has reviewed the request and recommends transfer of the 20 acres for use as a medical facility with a three-year reverter clause.

Recommend dedication of the 20 acres to the South Broward Hospital District for medical facility use only subject to reversion of title in the event the property is not used for hospital, medical or related facilities, including appurtenant uses for serving same, or in the event construction is not commenced within three years.

ACTION OF THE TRUSTEES:

On motion by Mr. Shevin, seconded by Mr. Stone, passed without objection, the Trustees dedicated the 20 acres of land to South Broward Hospital District for medical facility use only subject to the provisions for reversion recommended by the staff.

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INDIAN RIVER COUNTY - Request for Quitclaim Deed or Disclaimer

APPLICANT: W. P. Surman and Mary Van Anderson Surman, his wife, represented by W. E. Bishop, Jr., attorney, of Ocala, Florida.

REQUEST: Quitclaim deed or disclaimer to Government Lots 8 and 9, Section 9, Township 31 South, Range 39 East, Indian River County.

W. P. Surman claims to own, since 1936, all of Government Lot 2 less 15 acres owned by S. J. Pryor in Section 9 as delineated by the U. S. Survey approved in 1859. The 1859 survey showed only Government Lots 1 and 2 in Section 9 with Government Lot 2 containing 34.6 acres.

In 1968 the U. S. approved a survey of omitted lands in Township 31 South, Range 39 East, which located and established Lots 8 and 9, among others, west of Lot 2. Lot 9, adjacent to and west of Surman's property, was classified as Public Land of the United States. Lot 8, lying west of 9, was classified as Swamp and Overflow Land and subsequently patented to the State of Florida.

Mr. Surman applied to the U. S. Bureau of Land Management to purchase the 37.5 acres of Public Land in Lot 9 under the provisions of the Unintentional Trespass Lands Act. This application was rejected by the U. S. on March 2, 1973. The Board is without statutory authority to issue either a quitclaim deed or disclaimer to Lot 9, as title remains in the United States.

Lot 8 is not adjacent to the applicant's property. Further, this lot is encumbered by 25-year lease to the Bureau of Sport Fisheries, U. S. Fish and Wildlife Service, for use as a part of the Pelican Island Wildlife Refuge area. Now under consideration is a request from the U. S. Fish and Wildlife Service for a dedication in perpetuity of this lot and surrounding submerged land.

Staff recommends that the request be denied.

ACTION OF THE TRUSTEES:

August 21, 1973

Motion was made by Mr. Stone, seconded by Mr. Shevin, to follow the staff recommendation.

Mr. Kuperberg reviewed the staff position that the lands in question were omitted initially from the federal survey, that is, lands riverward of the original government meander line were never conveyed in the original conveyances, were resurveyed by the federal government with Lot 9 being classified as U. S. public land and Lot 8 as swamp and overflow land with Lot 8 subsequently patented by the U. S. to the state, that Mr. Surman's argument is with the U. S. and issuance of a deed by the state would only confuse the issue. Mr. Kuperberg suggested that if the citrus grove was planted in good faith on a portion of this land, the federal government might lease that land during the life of the grove to Mr. Surman, and the Trustees might be willing to lease similarly the portion of the swamp and overflow land in the citrus grove.

Mr. William G. O'Neill, attorney for Mr. Surman, discussed the surveys, his client's purchase and paying of taxes for many years, cultivation of citrus groves for 37 years on this land. He claimed that by a resurvey in 1968 the federal government was attempting to take the property, that Mr. Surman has surveys going back to 1859 bearing out his claim to the land, that Lots 8 and 9 were not omitted lands, that government plats showed it as a meandered body of water and it was not a fraudulent survey. Mr. O'Neill said his client has had great expense trying to straighten out his title and asked that the Trustees disclaim any interest to Government Lot 8 and his client would deal with the federal government as to Lot 9.

Mr. Alvin Crutchfield, president of Deerfield Groves Company, speaking on behalf of Mr. Surman, supported the original survey, pointed out inaccuracies in the report, suggested it was improper to ask Mr. Surman to lease his own property and the state should try to protect the rights of its citizens. Mr. Crutchfield said the Department of the Interior had reversed itself in several instances regarding including this land in the refuge and that justice, and possession and payment of taxes for this long period of time all indicated that Mr. Surman has good and reasonable claim to the land.

The Governor and members, while recognizing the Director's obligation to take the legal position most favorable to the state, expressed concern at this situation and felt an obligation to consider the substantial equity on the part of this family that had paid taxes over 30 years under the assumption that it was their property. Mr. Stone asked that the Attorney General review both the Trustees' staff position and Mr. O'Neill's legal position. Mr. Conner pointed out that there was reason to believe continued use on the part of this applicant would be a satisfactory agricultural operation and not development that might damage the Pelican Island Wildlife Refuge. Also, the Governor suggested that the Board might consider quitclaim in return for a covenant running with the land that it not be used for other than agricultural purposes.

Secretary of State Stone withdrew his original motion and offered a substitute motion that the staff and the applicant's representatives submit their briefs to the Attorney General for review of the Board's legal position, and that the staff explore with the applicant the other suggestions.

The Governor pointed out that among the facts to be concerned with was the fact that the resurvey was brought about in good faith in order to determine the extent of the boundary of the Pelican Island preserve.

As there were no objections, the item was withdrawn from the agenda and would be rescheduled as expeditiously as the staff could have an opportunity to make a recommendation.

-12-

ALACHUA COUNTY - Dedication of Land for Detention Facility

APPLICANT: Board of County Commissioners of Alachua County

REQUEST: Dedication of 25.64 acres of Trustees' land for site of a new Alachua County detention facility was requested by resolution adopted by the County on January 9, 1973.

LOCATION: 25.64 acres in Section 26, Township 9 South, Range 20 East, Alachua County, on the south side of State Road S-232 (NE 39 Avenue).

This parcel is a portion of the Santa Fe Correctional Institution located northeast of the City of Gainesville. Title is vested in the Trustees and leased to the Department of Health and Rehabilitative Services for use and control. The Department of Health and Rehabilitative Services has reviewed this request and has no objection to the transfer of the parcel to the county for specific use as a county detention center.

Recommend dedication of the 25.64 acres to Alachua County for use as a detention center facility only, subject to title reverting in the event other use is made of the property or in the event construction of a detention facility is not commenced within 3 years from date of dedication.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Board.

-13-

MARION COUNTY - Rainbow River (Blue Run) Shoreline Survey

It was resolved at the regular meeting of the Board of Trustees of the Internal Improvement Trust Fund on June 19, 1973, "That the Governor and Cabinet as the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Chapter 253, Florida Statutes, instructs its executive director to proceed with all deliberate speed to determine scientifically the ordinary high water mark along the Rainbow River. Further, the Governor and Cabinet respectfully request that the Southwest Florida Water Management District proceed to delineate the quality and extent of the remaining flood plain on the east and west banks of the Rainbow River. Both agencies are respectfully requested to report their findings to the Governor and Cabinet within 60 days so that their studies may be confirmed and submitted to the Marion County Commission in order that they may, acting through the exercise of its home rule powers, move swiftly to preserve the natural integrity of the Rainbow River, its flood plain and associated life systems."

Since June 25, 1973, both staff survey crews and the river and lake boundaries study team have been working full time on the project. The field survey will be completed August 23, 1973. The Southwest Florida Water Management District has assisted by providing technical information on the ordinary high water line and aerial mosaics of the river area.

The correlation between the vegetative analysis of the ordinary high water line and the precise levels run by the survey teams has been found to be remarkably close in most cases (i.e. within ± 0.10 foot).

The drafting and accompanying technical reports will be completed and ready for presentation at the Trustees meeting of September 4, 1973.

ACTION OF THE TRUSTEES:

The Trustees received the progress report on the Rainbow

August 21, 1973

River shoreline survey without further action pending completion of the drafting and technical reports.

-14-

DADE COUNTY - Campsite Lease No. 2185A
(August 8, 1973)

APPLICANT: Jay I. Kislak
1101 Brickell Avenue
Miami, Florida 33131

PROJECT: Mr. Kislak, holder of Campsite Lease No. 2185A, which has been renewed through April 26, 1974, requests assignment of the lease to Talbot D'Alemberte, Robert L. Parks and R. W. Payne, Jr., 1400 First National Bank Building, Miami, Florida 33131.

LOCATION: Biscayne Bay, Aquatic Preserve A-12.

MATERIAL: Not applicable.

PAYMENT: \$25 processing fee for assignment has been paid.

STAFF
REMARKS: Instrument of assignment and acceptance of assignment by assignees, executed by both parties, have been approved by staff legal counsel.

ECOLOGICAL RESPONSES: Not applicable.

Staff recommends approval of assignment of Lease No. 2185A to Messrs. D'Alemberte, Parks and Payne, provided that sanitary facilities are installed by the lessees to prevent discharge of any raw sewage from the site.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Stone and passed without objection, the Trustees approved the lease assignment provided sanitary facilities are installed by the lessees to prevent raw sewage discharge as recommended by the staff.

-15-

BROWARD COUNTY - Dredge Permit No. 06-22-0009
(January 26, 1973)

APPLICANT: Regency Towers
c/o McLaughlin Engineering Co.
400 Northeast Third Avenue
Ft. Lauderdale, Florida 33301

PROJECT: To obtain an after-the-fact permit to extend an existing 10-inch diameter outfall line 170 feet into the Atlantic Ocean.

LOCATION: Lot 14, Block 34, Galt Ocean Mile, Section 19, Township 49 South, Range 43 East, Broward County

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations Division reports that the outfall has been extended 170 feet in accordance with the revised sketches.

ECOLOGICAL RESPONSES: Department of Natural Resources - Bureau of Beaches and Shores: It is improbable that this project will have significantly adverse hydrographic effects.

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Game and Fresh Water Fish Commission has no objection to the proposed project.

Department of Pollution Control has no objection to the proposed project.

Staff recommends issuance of Permit No. 06-22-0009.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees authorized issuance of the permit.

-16-

COLLIER COUNTY - Dredge & Construction Permit 11-39-1054E
(May 29, 1973)

APPLICANT: J. W. Buckley
c/o Miles Scofield
852 First Avenue South, Naples, Florida 33940

PROJECT: To dredge an area 70 feet by 46 feet and construct a dock 4 feet by 24 feet. This is an exemption permit.

LOCATION: Section 10, Township 50 South, Range 25 East, Naples Bay, Collier County.

MATERIAL: 150 cubic yards of material to be removed.

PAYMENT: \$150.

STAFF

REMARKS: Field Operations Division would recommend approval provided the applicant agrees to eliminate the unnecessary dredging in this project. The field representative has suggested that an 18' x 24' area be dredged on the north side of the dock only.

OTHERS: Letters from the applicant and Miles Scofield, his agent, state that an area 18 feet by 24 feet is not sufficient to handle a 31-foot craft with a 12-foot beam which the applicant plans to keep in the area.

Staff recommends denial of dredge and construction permit No. 11-39-1054E with recommendation that applicant reapply under standard procedures.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that the area to be dredged in this application made under the exemption procedure was larger than the Trustees' field inspector could recommend as being in the public interest.

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the staff recommendation for denial was approved as the action of the Board.

-17-

COLLIER COUNTY - Dredge, Fill, Construction Permit 11-39-1107E

At the request of the applicant, the Director recommended withdrawal of the application of Roy I. Brack, for work in Section 23, Township 48 South, Range 25 East, Palm and Coco-hatchee Rivers in Collier County. The applicant has expressed willingness to revise the plans as recommended by the staff.

Without objection, the application was withdrawn from the agenda.

-18-

MARTIN COUNTY - Fill Permit No. 253.124(8)-299
(Revised December 12, 1972)

APPLICANT: Mrs. T. W. Franklin
c/o Lindahl - O'Brian, Inc.
P. O. Box 727, Jupiter, Florida 33458

PROJECT: To construct a seawall 220 ft. long connecting the north and south adjacent seawalls. Riprap will be placed in front of the seawall to prevent erosion and provide the habitat conducive to small marine organisms.

LOCATION: Section 19, Township 40 South, Range 43 East, Intracoastal Waterway, Martin County. Aquatic Preserve A-10.

MATERIAL: Fill to be obtained from upland sources.

PAYMENT: Not applicable.

STAFF
REMARKS: Field Operations has no objection to the proposed project.

ECOLOGICAL RESPONSES: Department of Natural Resources - This application as portrayed in the revised sketches is acceptable to this office.

Game and Fresh Water Fish Commission - No objections.

Department of Pollution Control - No objections.

OTHERS: The Board of County Commissioners of Martin County at their regular meeting of July 10, 1973, approved the application.

Staff recommends issuance of Permit No. 253.124(8)-299.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees authorized issuance of the fill permit for the work in Martin County.

-19A-

PALM BEACH COUNTY - Bulkhead Line No. 50-35-1470
(August 8, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: To approve bulkhead lines, Part "A" 195 feet long and Part "C" 116 feet long, established by the City Council of Riviera Beach by Ordinance No. 906 adopted March 28, 1972 and Resolution 64-73 adopted April 30, 1973.

LOCATION: Section 27, Township 42 South, Range 43 East, Lake Worth, Palm Beach County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

ECOLOGICAL RESPONSES: Department of Natural Resources - December 2, 1971, Survey and Management - Setting the bulkhead line at the mean high water line would preserve the marine biological resources that exist in the proposed spoil area.

July 9, 1973, Bureau of Beaches and Shores - It appears improbable that the proposed work will have significantly adverse hydrographic effects.

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Game and Fresh Water Fish Commission - June 1, 1972 - This agency has no objection to the project since fish and wildlife resources will not be disrupted.

Department of Pollution Control - May 16, 1972 - The proposed fill and bulkheads at "A", "B" and "C" appear to be the minimum required for the installation of the proposed bridge. The bulkhead and fill at Locus "B" should be held to that necessary for bridge construction.

August 8, 1973 - This Department has no objection to the proposed project. Certification will be issued pending favorable response to the public notice and notification of approval of the project by the Board of Trustees.

NOTE: The City Council of the City of Riviera Beach approved the bulkhead line by Resolution No. 64-73.

Staff recommends establishment of bulkhead line No. 50-35-1470 as revised to meet the stipulations of the Department of Pollution Control. (See action after 19C)

-19B-

PALM BEACH COUNTY - Temporary Right of Way Easement 2510-50-253.03
(August 8, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: Channel dredging for construction of Road A-1-A, Blue Heron Boulevard, in Lake Worth.

LOCATION: Submerged lands in Lake Worth in Sections 27 and 34, Township 42 South, Range 43 East, Palm Beach County.

SEE ITEM "19A"

Staff requests authority to issue the temporary right of way easement with the expiration date of September 1, 1976. (See action after 19C)

-19C-

PALM BEACH COUNTY - Dredge Permit No. 50-31-1471
(August 8, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: To construct a bridge at Blue Heron Boulevard, dredge for channel realignment, construct bulkheads and fill.

LOCATION: Sections 27 and 28, Township 42 South, Range 43 East, Lake Worth, Palm Beach County.

MATERIAL: 40,000 cubic yards of material will be deposited on City of Riviera Beach property; 55,000 will be disposed of by the contractor on uplands.

PAYMENT: \$55,000 to be received.

ECOLOGICAL RESPONSES: Department of Natural Resources - The reduction of proposed dredging north of the bridge for channel relocation is acceptable to this agency. The total volume to be dredged for channel relocation has been reduced from 100,000 cubic yards to 94,507 cubic yards.

Beaches and Shores - It is recommended that any compatible beach sand obtained in the channel realignment be spoiled on the beach south of the inlet jetties.

Game and Fresh Water Fish Commission has no objection to the proposed bridge and channel realignment, and requests an opportunity to comment on upland spoil deposit sites once they have been selected.

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Department of Pollution Control has no objection to the proposed project. Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

Staff recommends approval of dredge permit No. 50-31-1471 subject to:

1. Receipt of payment at \$1.00 per cubic yard for all spoil material except that amount put to a public use certified by the using agency.
2. Placement of all spoil material on adequately diked and baffled, upland spoil areas, approved by state environmental agencies prior to contract commitment.

ACTION OF THE TRUSTEES ON 19A, 19B, 19C:

Motion was made by Mr. Stone, seconded by Mr. Christian, to accept the staff recommendations on these applications.

Many individuals and groups were present to be heard for or against the proposed high-level, fixed-span bridge at Blue Heron Boulevard including Senator Philip D. Lewis, Senator Tom Johnson and Senator Russell Sykes who expressed their support of the proposed bridge. Senator Lewis said it was greatly needed, had been worked on for ten years, delays had worked great hardships, and a bascule bridge would not take care of traffic conditions.

Mr. Earl Boyce, representing the Federated Conservation Council, opposed the proposed bridge and requested a study on the feasibility of a bascule bridge.

Mayor Lucius G. Hill of the City of Riviera Beach said he spoke for the majority of the citizens of that city in support of the staff recommendations. He named many individuals from the city and the surrounding area who were present to support the bridge including Chief of Police W. B. Darden who urged approval of the bridge as a necessity because of the traffic problem.

Mr. G. H. Schultz said he supported the proposed bridge as a technician in the matter, having been involved with the County Commission, County Engineer's Office and the Department of Transportation (previously State Road Department).

Mayor Bruce M. Lewis of Palm Beach Shores, a community on Singer Island, stated that the town was fully in favor of the 65-foot fixed-span bridge.

Mr. Eugene W. Potter opposed the fixed-span bridge for several stated reasons, one being his responsibility for Old Port Cove, a marina complex, used by many sizeable sailboats.

Mr. Lloyd Ecclestone expressed concern that the fixed-span bridge would be a problem now and in the future and urged the Board to ask the Department of Transportation for a study of the factors involved between a bascule bridge and the high-level bridge.

Representing the Department of Transportation, Mr. Jay Brown pointed out that a high-level bridge showed a significant safety benefit on this main arterial highway, that a bascule structure for passage of a minimum number of high-mast boats was considered as against approximately 20,000 vehicles per day, that four-laning of A1A was in the 5-year program, that the environmental problems in and around the Phil Foster Park had been taken into careful consideration, and public hearings and numerous reports had already been conducted and studied.

Mr. Kuperberg mentioned that in addition to the correspondence in this application file, there had been letters in favor of the 65-foot fixed span bridge from the Singer Island Civic Association and the Town Manager of Palm Beach Shores, and a telegram from Robert T. Bair in opposition.

Without objection, the motion by Mr. Stone, seconded by Mr. Christian passed to accept the staff recommendations on

the Department of Transportation applications for (1) Bulkhead Line No. 50-35-1470 established by the City Council of Riviera Beach by Ordinance No. 906 and Resolution No. 64-73, (2) Temporary Right of Way Easement No. 2510-50-253.03 and (3) Dredge Permit No. 50-31-1471 with stipulations as recommended.

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POLK COUNTY - Dredge Permit No. 52-20-0295
(March 20, 1973)

APPLICANT: John T. Brock
2024 Leisure Drive, Winter Haven, Florida 33880

PROJECT: To clear aquatic vegetation and muck deposits along the shoreline of lakefront property to provide access to open water.

LOCATION: Section 8, Township 28 South, Range 26 East, Lake Hartridge, Polk County.

MATERIAL: 200 cubic yards of spoil material to be deposited on uplands.

PAYMENT: \$100 for material at 50¢ per cubic yard.

STAFF

REMARKS: Field Operations Division recommends that the project be denied. It is felt that as little of the littoral vegetation should be removed as possible. As such no more than a 50' x 50' area should be cleared. Field Operations feels that this would be an equitable compromise.

ECOLOGICAL RESPONSES: Department of Natural Resources deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - no objections.

Department of Pollution Control - no objections.

Staff recommends issuance of Dredge Permit No. 52-20-0295.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of dredge permit No. 52-20-0295.

-21A-

ST. JOHNS COUNTY - Dredge & Utility Permit Nos. 55-20-0686 & 55-23-0078, (March 27, 1973)

Consideration of this application was deferred on August 7, 1973.

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: To dredge in order to realign the Intracoastal Waterway channel beneath the bridge and to place an electrical cable alongside the proposed bridge.

LOCATION: Section 40, Township 8 South, Range 29 East, Intracoastal Waterway, St. Johns County.

MATERIAL: Approximately 40,000 cubic yards of material to be deposited on public property.

STAFF

REMARKS: Field Operations Division has no objections provided strict turbidity controls are used.

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ECOLOGICAL RESPONSES: Department of Natural Resources - Bridge alignment D appears to require the filling of some small amounts of productive cord grass marsh on its western approach and would have limited adverse effects on marine biological resources.

Game and Fresh Water Fish Commission has no objection to the proposed project.

Department of Pollution Control - This application was reconsidered by the Board of the Department of Pollution Control on July 25, 1973, and certification was approved.

Staff recommends issuance of Permits 55-23-0078 and 55-20-0686.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, issuance of the two permits was approved by the Trustees.

-21B-

ST. JOHNS COUNTY - Right of Way Easement, File No. 2495-55-253.03
(March 27, 1973)

Consideration of this application was deferred on August 7, 1973.

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: Realign highway and bridge construction for State Road 206. No dredging or filling of submerged lands in conjunction with the bridge and approaches is contemplated. Corps of Engineers require that the Intracoastal Waterway channel be relocated.

LOCATION: 17.51-acre parcel of sovereignty land in the Matanzas River abutting Sections 34 and 35, Township 8 South, Range 30 East, St. Johns County.

PAYMENT: None

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board approved issuance of the right of way easement to the Department of Transportation.

-22-

SARASOTA COUNTY - Dredge Permit No. 58-21-0718

Without objection, the Board agreed to withdrawal of the application of Roberts Development Corporation for maintenance dredging in Sections 32 and 33, Township 37 South, Range 18 East, Little Sarasota Bay, Sarasota County, as requested by the applicant in order that the plan might be revised.

-23-

SARASOTA COUNTY - Marina License & Construction Permit 58-30-0817E
(June 22, 1973)

APPLICANT: Roberts Development Corporation
8877 Midnight Pass Road
Siesta Key, Sarasota, Florida 33581

PROJECT: To construct 29 docks for a condominium development covering 24,576 square feet.

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LOCATION: Sections 32 and 33, Township 37 South, Range 18 East, Little Sarasota Bay, Sarasota County.

MATERIAL: Not applicable.

PAYMENT: \$460.80 annual fee.

STAFF REMARKS: Field Operations Division recommends approval of the docking facilities.

Staff recommends denial of Marina License and Construction Permit No. 58-30-0817E due to recommendation of denial of Dredge Permit No. 58-21-718 and sovereignty lands in excess of 20,000 square feet.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the staff recommendation of denial was approved as the action of the Board.

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COLLIER COUNTY - Marina License & Construction Permit 11-30-1146E
(June 15, 1973)

APPLICANT: Nick Keslov
c/o Tri-County Engineering, Inc.
3560 North Tamiami Trail
Naples, Florida 33940

PROJECT: To reconstruct an existing dock and marina to cover 4,308 square feet.

LOCATION: Section 18, Township 52 South, Range 27 East, Goodland Bay, Collier County.

MATERIAL: Not applicable.

PAYMENT: \$100 annual fee.

STAFF
REMARKS: Field Operations Division recommends approval of the marina facilities.

Staff recommends issuance of Marina License and Construction Permit No. 11-30-1146E.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, issuance of the permit was approved by the Board.

-25-

VOLUSIA COUNTY - Marina License & Construction Permit 64-30-0796
(July 6, 1973)

APPLICANT: Louis E. Goldman, Jr. and D. Dacre Stone, Jr.,
Joint Trustees
Prestige Development Corporation
701 South Ridgewood Avenue
Daytona Beach, Florida 32014

PROJECT: To construct a 160-foot dock covering 5,000 square feet.

LOCATION: Section 8, Township 15 South, Range 33 East, Halifax River, Volusia County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

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STAFF REMARKS: Not applicable.

ECOLOGICAL RESPONSES: Department of Natural Resources - Survey and Management: The proposed dock should not significantly affect biological resources in the Halifax River. Bureau of Beaches and Shores: A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - No objections.

Department of Pollution Control has no basic objections to the proposed pier other than that pilings should be driven rather than jetted in. We have encountered severe turbidity problems with the use of a water jet.

Staff recommends issuance of Marina License and Construction Permit No. 64-30-0796 subject to the stipulations of the Department of Pollution Control.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone and passed without objection, approving the permit subject to the stipulations of the Department of Pollution Control.

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DUVAL COUNTY - Marina License Renewal No. ML-111
(May 15, 1973)

APPLICANT: Jacksonville Shipyards, Inc.
P. O. Box 2347, Jacksonville, Florida 32203

PROJECT: To renew ML-111 for one year.

LOCATION: Sections 13 and 38, Township 2 South, Range 26 East,
St. Johns River, Duval County.

MATERIAL: Not applicable.

PAYMENT: \$4,535.46 annual fee.

STAFF REMARKS: Field Operations Division recommends renewal of this marina license.

Staff recommends renewal of ML-111 for one year.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Christian and Mr. Stone, passed without objection, renewal of the marina license for one year was approved by the Board.

-27-

BREVARD COUNTY - Application for Contract Purchase Deed
File No. 24742 (2034-05) (September 7, 1972)

Consideration of this application was deferred on August 7, 1973.

STAFF DESCRIPTION: A parcel of submerged land in Indian River embracing 2.43 acres, abutting Section 22, Township 22 South, Range 35 East, Brevard County..

PURCHASERS: H. C. Kirk and D. J. Kirk
3910 South Washington Avenue
Titusville, Florida 32780

ACREAGE: 2.43 acres

RATE: \$1,500 per acre or \$3,645 for the parcel.

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PAYMENT: The contract purchasers have paid the full amount of \$3,645 principal, plus \$426.24 interest, under the terms of the contract.

On January 9, 1968, the Trustees unanimously confirmed the sale and Contract for Land Purchase was executed by the Trustees on February 1, 1968.

Staff Legal Counsel is of the opinion that the deed should be issued.

After field surveys the Field Operations Division has determined that no fill material has been placed on the parcel.

Staff advised the applicants that, based on the concern expressed by the state environmental agencies, it would be doubtful that they would be able to fill the submerged land purchased. Staff offered to submit to the Trustees a recommendation for refund in lieu of issuing a deed. Applicants advised that they preferred that the deed be issued.

Staff requests authority to issue the deed to the purchasers.

ACTION OF THE TRUSTEES:

Calling attention to this as next to the last of the old contract purchase agreements, the Executive Director said the purchaser requested a deed although the staff had indicated to him that it was quite possible that dredge and fill permits would not be available for the project.

Motion was made by Mr. Stone to issue deed on those terms, seconded by Mr. Christian and passed without objection.

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DADE COUNTY - Application for Advertisement,
File No. 2504-13-253.12(2)(b)

At the request of the office of the Secretary of State, the Trustees deferred consideration of the application of Nicholas H. Morley to purchase a parcel of sovereignty land in Biscayne Bay abutting Section 39, Township 54 South, Range 41 East, embracing 0.47 acre, more or less, in Dade County.

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the rules were waived for consideration of the following application added to the original printed agenda at the request of the Comptroller.

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FRANKLIN COUNTY - Dredge Permit No. 19-21-1188

The Department of Natural Resources requested a permit and waiver of fee for a public interest project to perform maintenance dredging in a one hundred foot wide channel from Alligator Harbor around Alligator Point and into the Gulf of Mexico in Section 3, Township 7 South, Range 2 West, Franklin County, in an aquatic preserve.

Due to the lack of ecological responses from the Department of Natural Resources, Survey and Management, and the Department of Pollution Control, the staff of the Board of Trustees recommended deferral of revised dredge permit No. 19-21-1188 pending resolution of the issues under discussion with the Department of Natural Resources.

Executive Director Randolph Hodges, of the Department of Natural Resources, stated that the project had been under preparation for 15 months, a biological report had been made in August of

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last year, funds were available and he would like to have a date certain for the application to be resolved.

In the opinion of the Trustees' staff, moving the channel westward from its original location creates a cloud as to whether or not the state owns a point of land, and spoil areas on the harbor side of the point were not satisfactory.

Governor Askew noted that the application was on the agenda at the request of the Comptroller and the staff felt it was not in a position at this time to make any recommendations. The Governor asked to be advised as to the time that would be required to bring this matter to a conclusion.

LEON COUNTY - Lake Jackson

Two weeks ago the Lake Jackson problem was deferred, and Cabinet aides had suggested that the report be revised to become a resolution. The Executive Director urged the adoption of a resolution in the interest of the long-range well-being of Lake Jackson.

Motion was made by Mr. Christian, seconded by Mr. Shevin, to adopt the resolution.

Many interested parties were present, the first to be heard being Mr. Benjamin K. Phipps, attorney for Save Lake Jackson Now Association. He supported the resolution that he said was a series of recommendations to local government of a number of alternatives of action that can be taken by Leon County, the City of Tallahassee and the Environmental Commission. With the data now available he thought the city and county could pass the ordinances required without the moratorium. Also, he asked for some action by state and local governments to re-route the power line in that area to place it along Interstate 10.

Mr. Carl Pennington, attorney for Fred Turner and other property owners that would be affected by the resolution, made suggestions that might be followed by city and county, the appropriate agencies that should take action on this matter. He pointed out the drainage, sedimentation, landscaping and tree ordinances already passed by local government and said the resolution offered no real solution or engineering recommendations but imposed a building and zoning moratorium that was unfair to private enterprise and did not consider private property rights.

Mr. Kuperberg took issue with some statements, pointing out that under Section 253.04, Florida Statutes, the duty of the Board was to protect state lands, the basis of the recommendations for Lake Jackson. He said Lake Jackson was a model as to what will be done to protect the state's fresh water resources, and it was time for the Board that has the ultimate authority to protect the waters and submerged lands of that lake to take strong action.

Dr. Steven Schamel, assistant professor of geology at Florida State University, discussed a study of Lake Jackson over a period of several months to determine the kind of sediment of different sources, the expansion of urbanization north of Tallahassee, the ineffectiveness of the sediment traps and need to find some limit for the amount of urbanization over a given period of time.

Dr. Sherwood Wise, also of Florida State University, spoke of the steadily deteriorating siltation problem in Lake Jackson, erosion due not just to highway construction but also to upland development, said the county ordinances and the DOT holding ponds were inadequate, and agreed that the Director's recommended on-site detention of sediment from properties being developed and treatment of the water before it reaches Lake Jackson was the only obvious solution and now was the time for some definitive action.

Mr. Lee Everhart, president of Florida Home Builders Association, owner of property and a local developer, said the resolution completely ignored the rights of private property owners and

would require them to bear the brunt of solving a total community problem that had been many years in the making. He urged a course of action by the Board to express concern and urge state agencies to meet with local city and county officials and property owners to identify and implement ways to solve the problems.

Also representing that Association, Mr. Perry Odom called the resolution unreasonable and not the proper approach, noting that the effective date of the Lake Jackson Aquatic Preserve law was January 1, 1974, and any privately-held upland within the boundaries was excluded therefrom, and that the immediate moratorium feature was taken out of the legislation empowering a state agency to designate an area as one of critical state concern. He asked the Board to express concern and allow private industry and landowners to have some input in the recommendation of steps to be taken, along with Mr. Kuperberg's staff, state agencies, city and county governments and the environmental commission.

Dr. W. H. Werkmeister spoke of the concern of residents of Lake Shore Drive in the watershed problems as well as the power line proposed to be constructed through a residential section.

Governor Askew had expressed to Mr. Stone his support of the resolution prior to having to excuse himself from the meeting.

Mr. Christian was in favor of the resolution into which he said unfounded fears were being read.

Secretary of State Stone was concerned at the lack of immediate answers to the immediate problems while the lake is deteriorating rapidly, noting that the environmental scientists had found it difficult to get their suggestions considered by the local government agencies who, in the end, would have to adopt the ordinances both for zoning and building restrictions. He suggested continuing conferences to include representatives of the property owners, builders and developers in addition to state and local government representatives.

Mr. Kuperberg said much of that suggested by Mr. Stone had been done and he thought much would be accomplished after the Board passed the resolution. He pointed out that the Department of Transportation has a responsibility but it did not stand alone and without the moratorium the resolution lacks force and effect.

Mr. Christian called for a vote on approving the resolution which was as follows: Ayes, Mr. Christian and Mr. Shevin; Nays, Mr. Conner and Mr. Stone. The motion having failed to pass, Mr. Conner excused himself, leaving the Board without a quorum.

Without objection the Secretary of State volunteered to call the conference he had suggested to see what constructive proposals might be obtained that would be reported to the Board.

Mr. Shevin suggested that the matter be re-scheduled on the agenda two weeks from today.

On motion duly adopted the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

August 21, 1973

Tallahassee, Florida
September 4, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

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The minutes of the meeting of August 7, 1973, were approved as submitted.

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MINUTES OF THE TRUSTEES, VOLUME 38

The cost of printing 140 paper-bound copies of Volume 38 of the minutes of the Board of Trustees for the two-year period July 1970 through June 1972 was \$4,694.55 or \$30.60 each.

Staff recommends establishment of a sale price of \$31.00 per paper-bound copy.

ACTION OF THE TRUSTEES:

Noting that Volume 38 covered the two-year period from July 1970 through June 1972, the Board established the sale price for a paper-bound copy at \$31.00.

-3-

PALM BEACH COUNTY - Belle Glade Airport Lease

APPLICANT: Department of Transportation

REQUEST: Lease of Belle Glade Airport to Department of Transportation for sublease to City of Belle Glade.

LOCATION: SW $\frac{1}{4}$ of SW $\frac{1}{4}$, W $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and S $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29, Township 43 South, Range 37 East, less South 100 feet, for road purposes, containing 112.42 acres, more or less.

This land is leased by Lease No. 1851 from the Trustees to the Department of Health and Rehabilitative Services for a period of twenty years for the use and benefit of the Division of Corrections for airport purposes.

The Department of Transportation has been requested by the City of Belle Glade to make this land and airport available to it for continued operation of the airport and its facilities which is used primarily by local crop dusting planes. The Department of Health and Rehabilitative Services advises that as the air strip is of no significant value to the Division of Corrections it has no objection to transferring the airport operations to the City of Belle Glade under the jurisdiction of the Department of Transportation.

Due to the need to lengthen the east-west runway, the Department of Transportation requests that the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, containing 10 acres, be included in the proposed lease in exchange for 30 acres described as SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ which is not needed for future airport purposes.

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Recommend that the Belle Glade airport property as revised be leased to the Department of Transportation for a period of twenty years for airport purposes with right to sublease to City of Belle Glade for maintenance and operational responsibility with simultaneous termination of the present lease.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board.

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PALM BEACH COUNTY - Seismic Survey Permit
(June 18 and July 6, 1973)

APPLICANT: Shell Oil Company
Post Office Box 1411
Arcadia, Florida

REQUEST: Permission to conduct a seismic survey across state-owned land.

LOCATION: A line running across Sections 1 and 5, Township 47 South, Range 35 East, Palm Beach County.

The Game and Fresh Water Fish Commission and the Central and Southern Florida Flood Control District have reviewed and have no objection to the proposed seismic survey.

The Department of Natural Resources has no objection to the proposed survey provided that Shell be required to drive a 10-foot cement post in the top of each shot hole to a point 3 feet below the ground surface and that the surface be restored.

Recommend granting Shell Oil Company permission to conduct its survey across these state lands subject to the conditions set forth above.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the seismic survey permit to Shell Oil Company subject to the recommended conditions.

-5-

HENDRY COUNTY - Request to Advertise Land Sale
File No. 2479-26-253.36 (September 22, 1972)

STAFF DESCRIPTION: A parcel of filled sovereignty land in the Caloosahatchee River abutting Section 5
Township 43 South, Range 29 East, Hendry County.

CITY AND COUNTY: LaBelle, Hendry County

APPLICANT: William R. Burke, et ux
P. O. Box 304, LaBelle, Florida 33935

ACREAGE: 0.44
RATE PER ACRE: \$800 for the parcel

APPRAISAL: By staff appraiser on May 14, 1973.

PURPOSE: Zoning - R1A, single family.

BIOLOGICAL
REMARKS: Not applicable.

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STAFF REMARKS: The parcel is a part of the old abandoned bed of the Caloosahatchee River and does not now border on the river. The Trustees have conveyed into private ownership the southerly half of the river bed to the southern bank riparian owners.

The Field Operations Division has no objection to the proposed sale.

The Central and Southern Florida Flood Control District has no objection to the proposed sale of land.

The applicants submits the following statement as to why the sale would be in the public interest: "In my opinion, transfer of title from the TIF to me and my wife to the 0.44 acres of abandoned river bed (as per map of ground survey previously submitted to your office) would be in order inasmuch as we are the owners of record of the adjacent property; inasmuch as the 0.44 acres is not necessary for egress and ingress for other persons living in the area or for the public generally; inasmuch as we would then be in a position to maintain, care for, and beautify the subject area; ...".

Staff recommends that application be advertised for objections only.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Stone and passed without objection, authorizing advertisement of the parcel of land for objections only.

-6-

GLADES COUNTY - Application to Purchase, Request to Advertise,
File No. 2468-22-253.36

At the request of the office of the State Comptroller, the Board deferred consideration of an application by J. S. Click to purchase a parcel of Lake Okeechobee reclaimed lake bottom land landward of the Hoover Dike right of way and lakeward of State Lots 5 and 6, Section 23, Township 40 South, Range 32 East, 85.82 acres, more or less, in Glades County. The parcel was included in an application filed on February 8, 1961, for 95.5 acres which was delayed due to survey problems, litigation and seepage studies conducted by the Central and Southern Florida Flood Control District.

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MARTIN COUNTY - Application for Deed, Right of Way Easement and Temporary Right of Way Easement. File No.
2514-43-253.03 (August 24, 1973)

DESCRIPTIONS: All sovereignty lands in Lake Okeechobee

1. For deed, a 37.00 acre parcel in unsurveyed Section 22, Township 40 South, Range 37 East.
2. For right of way easement, two parcels totaling 183.00 acres in unsurveyed Sections 15 and 22, Township 40 South, Range 37 East.
3. For temporary right of way easement, a 0.70 acre parcel in Section 22, Township 40 South, Range 37 East.

COUNTY: Martin

APPLICANT: Central and Southern Florida Flood Control District
P. O. Box V, West Palm Beach, Florida 33402

ACREAGE: For deed, 37.00 acres; for easement, 183.00 acres;
for temporary easement 0.70 acre.

APPRAISAL: Not applicable.

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PURPOSE: For authorized works of the district at Port Mayaca for construction of lock, spillway, channels and tieback levees.

BIOLOGICAL
COMMENTS: Not applicable.

STAFF REMARKS: The parcels sought are partially within existing easements occupied by the Hoover Dike; the deed is required for Structures S-308B and S-308C.

The Central and Southern Florida Flood Control District by Resolution No. 1024 dated October 13, 1972, requested that the parcel be made available to the District for Structures S-308B and S-308C, being authorized works of the District.

The Department of Administration by letter of April 18, 1973, accepted the final draft of the Lake Okeechobee SAI Project No. 73-0966-E. The proposed works are a part of the project studied.

Staff requests authority to issue: (1) the deed subject to a reversion of title to the Trustees should the subject parcel cease to be used for water control structures, (2) right of way easement and (3) temporary right of way easement with the expiration date of December 31, 1977.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the deed, right of way easement and temporary easement subject to the conditions recommended by the staff.

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DUVAL COUNTY - Application for Right of Way Easement, Drainage Easement and Temporary Detour Easement
File No. 2512-16-253.03 (August 2, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida 32304

PROJECT: Highway and bridge construction across Cedar Creek, City of Jacksonville, for Road S-103.

LOCATION: 3 parcels of submerged land in Cedar Creek in Section 25, Township 2 South, Range 25 East, Duval County.
1. 0.32 acre parcel for right of way easement.
2. 0.02 acre parcel for drainage easement.
3. 0.04 acre parcel for temporary detour easement.

STAFF REMARKS: Field Operations Division has no objection to the project.

On July 17, 1973, the Board approved establishment of a bulkhead line as part of this project.

We are advised that the City of Jacksonville refuses to consider the fill permit application portion of this project until authority to issue the easements is granted by the Board.

ECOLOGICAL RESPONSES: Department of Natural Resources - The proposed bulkhead line would enable widening of the Lane Avenue roadbed by filling portions of the secondary channel along the existing roadbed. Filling within the proposed bulkhead line should not significantly affect biological resources in Cedar Creek provided the secondary channel segments are reconnected to the main channel.

Game and Fresh Water Fish Commission - Under normal conditions this would have a detrimental environmental impact on the creek. However, Cedar Creek has long been used as a natural drain for industrial wastes and domestic sewage, and as a result, the habitat is poor, and frequent fish kills occur. Therefore, the

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present establishment of this bulkhead line will have no harmful environmental impact. However, polluters of Cedar Creek have been cited and waste treatment programs are presently being implemented. Hopefully this clean-up will eventually be successful and then the bulkhead line as proposed could be detrimental to aquatic habitat. Therefore, consideration should be given to establishing the line at the original northern bank of the creek.

Department of Pollution Control has no objection to the proposed project.

Staff requests authority to issue the easements subject to acquisition of the abutting uplands by the Department of Transportation. The temporary detour easement is to terminate upon completion of construction of the road.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the staff recommendations were approved as the action of the Trustees.

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PALM BEACH COUNTY - Construction Permit No. 50-39-1541
(August 8, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: To install three storm sewer outfalls in connection with the construction of the Blue Heron Bridge. The bulkhead line, easement and dredge and fill permit were approved August 21, 1973.

LOCATION: Sections 27 and 28, Township 42 South, Range 43 East, Lake Worth, Palm Beach County.

ECOLOGICAL RESPONSES: Department of Natural Resources - Deferred to the Department of Pollution Control.

Game and Fresh Water Fish Commission - Deferred to the Department of Pollution Control.

Department of Pollution Control - Certification was issued December 28, 1970. The applicant is cautioned that during the excavation and/or maintenance of the subject project, addition of turbidity in the excess of fifty (50) Jackson Units (as determined by Standard Candle Turbidimeter) above the background level and/or directly or indirectly affecting the water quality in the aforementioned waterway in such a manner as to exceed the limitation on the concentrations of various constituents for such waters, as prescribed in Chapter 28-5, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida.

The applicant is hereby required to notify this agency of the schedule of the project before beginning any work covered by the certificate.

Staff recommends issuance of Permit No. 50-39-1541 provided the stipulations of the Department of Pollution Control are adhered to.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Trustees authorized issuance of the permit subject to the stipulations of the environmental agency as recommended.

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ST. JOHNS COUNTY - Right of Way Easement File No. 2509-55-253.03
(May 23, 1973)

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APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida 32304

PROJECT: Highway and bridge construction for State Road 312
across Matanzas River. ~~No dredging or filling of
submerged land is required as the river and entire
flood plain will be spanned.~~

Corrected in
Minutes May 21,
1974

LOCATION: 14.29 acre parcel of sovereignty land in unsurveyed
Sections 29 and ³²/₃₆, Township 7 South, Range 30 East,
St. Johns County.

ECOLOGICAL RESPONSES: Department of Natural Resources, Survey and
Management - Construction of the proposed bridge and highway (State
Road 312) does not involve dredging or filling biologically pro-
ductive submerged lands and should not have significant adverse
effects on marine biological resources. Beaches and Shores - This
bureau has no objection to the subject construction.

Game and Fresh Water Fish Commission offers no objection to the
preliminary plans for the above mentioned project, provided the
following conditions are met: 1) No presently established drainage
pattern should be blocked. 2) Any navigable streams crossed by
the highway should be crossed with a pier bridge that traverses
the entire flood plain. Also, it should be high enough to allow
for normal boat traffic. 3) No storm drainage should be allowed
to enter any body of water other than an isolated catch basin
designed for that purpose. 4) Precautions should be taken to
prevent any unnecessary disruption of the environment during
construction (stream turbidity, etc.).

Department of Pollution Control - Certification will be issued
upon notification of Trustees' approval.

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Dickinson and passed
without objection, authorizing issuance of right of way easement
No. 2509-55-253.03 to the Department of Transportation subject to
the stipulations of the Game and Fresh Water Fish Commission.

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SARASOTA COUNTY - Right of Way Easement File No. 2511-58-253.03
(May 2, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida 32304

PROJECT: Highway and bridge construction for Proctor Road across
Philippi Creek.

LOCATION: 0.709 acre parcel of submerged land in Sections 5 and
8, Township 37 South, Range 18 East, Sarasota County.

STAFF REMARKS: Field Operations Division recommends approval of
the project.

On July 10, 1973, the Board approved Dredge and Construction Permit
No. 58-39-0833 as part of this project.

ECOLOGICAL RESPONSES: Department of Natural Resources - Proposed
revisions, including the use of an existing lagoon on the east side
of Philippi Creek, may help retard the discharge of silt and
debris.

The applicant should also construct a retention basin on the west
side of Philippi Creek to help retard the discharge of silt and
debris. Overflow structures should be designed to retain flotsam
(foam cups, etc.). The use of retention ponds on the upland and
settling basins adjacent to Philippi Creek would help protect

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water quality.

Game and Fresh Water Fish Commission - This department is of the opinion that a silting basin will be necessary at the end of each 54" pipe.

Department of Pollution Control - This department has no objection to the proposed project.

NOTE: April 30, 1973: Department of Transportation agrees to add silt basins at the end of each pipe in accordance with recommendations.

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and Mr. Shevin, and passed without objection, the Trustees authorized issuance of this right of way easement to the Department of Transportation.

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BAY COUNTY - ML & Construction Permit No. 03-30-1158E
(August 16, 1973)

APPLICANT: Cove Properties
300 Cherry Street, Panama City, Florida 32401

PROJECT: To construct a docking facility to cover 1519 square feet. This is an exemption permit.

LOCATION: Section 16, Township 4 South, Range 14 West,
St. Andrews Bay, Bay County.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF REMARKS: Field Operations Division has no objection to issuance of an exemption permit.

ECOLOGICAL RESPONSES: Department of Pollution Control - This type of project is considered exempt from the certification requirements of Public Law 92-500. You are cautioned that any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such waters, as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the water quality standards of the State of Florida.

Staff recommends issuance of Marina License and Construction Permit No. 03-30-1158E.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the marina license and construction permit.

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BAY COUNTY - Dredge Permit No. 03-39-0630E
(April 23, 1973)

APPLICANT: Roger A. Gurner, et al
Route 2, Box 4699, Panama City, Florida 32401

PROJECT: To perform maintenance dredging in an existing canal that was constructed without a permit. This application was deferred on July 10, 1973, until an inter-agency inspection could be conducted.

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LOCATION: Section 17, Township 4 South, Range 13 West, Callaway Bayou, Bay County, approximately 7 miles from Aquatic Preserve G-4.

MATERIAL: 3,800 cubic yards.

PAYMENT: Not applicable; state-owned lands not involved.

STAFF REMARKS: Field Operations Division recommends approval for placing a concrete-capped plug 100 feet interior from the mouth of the canal and dredging the created upland catch basin to recover eroded lands.

ECOLOGICAL RESPONSES: Department of Pollution Control - Maintenance dredging would only be a temporary measure as the sand in the canal comes from erosion of the canal banks. Proper seawalls should be constructed and the banks of the canal sodded. The entire canal should be so treated. If the canal is not legal, then it should be closed off as it is creating water quality problems in Callaway Bay.

NOTES: 1. An interagency inspection was conducted on July 12, 1973, with a summary recommendation that a concrete capped earthen plug be installed 100 feet interior from the mouth of the canal.

2. Letter from applicant on July 31, 1973, agreeing to block off canal.

3. Telephone communication with applicant August 14, 1973. Applicant would be agreeable to construction and maintaining a sandtrap at the location of the county culvert.

Staff recommends approval of maintenance dredging permit No. 03-39-0630E subject to installation of a sandtrap at storm sewer outfall point and that all work in the canal be conducted behind an earthen plug that will be removed only after work is complete and siltation has subsided.

ACTION OF THE TRUSTEES:

Recalling that Mr. Gurner appeared before the Trustees on July 10, Mr. Kuperberg reported a subsequent interagency inspection was made, in the staff's judgement the recommendation was impractical and the revised recommendation was to allow maintenance in this existing canal (dug immediately after passage of the Randell Act, with the project stopped by the Trustees' staff without any follow-up) subject to the provisions shown on the agenda on this date.

On motion by Mr. Stone, seconded by Mr. Shevin and passed without objection the Trustees approved the staff recommendations and that there be a silt curtain installed before the dike is removed.

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BREVARD COUNTY - Artificial Reef Permit No. 05-32-0634
(April 13, 1973)

APPLICANT: Bethune - Cookman College
c/o Richard V. Moore, President
640 Second Avenue, Daytona Beach, Florida 32015

PROJECT: To place two reefs constructed of tires weighted with concrete for experimental and educational purposes.
Each reef will be about 30 feet square.

LOCATION: Section 18, Township 24 South, Range 37 East, Banana River, Brevard County, Aquatic Preserve A-7 Banana River Preserve.

MATERIAL: Two groups of 50 automobile tires weighted with concrete and bound together by nylon cordage to be transported to the site by truck and by boat into the water.

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PAYMENT: Request waiver on the grounds that the proposed activity is a research project in the public interest and is undertaken by a private college for the purpose of its instructional quality.

STAFF REMARKS: Field Operations Division has no objection to the proposed experimental project provided some arrangement is made to insure removal of the tires at the completion of the test.

ECOLOGICAL RESPONSES: Department of Natural Resources - The proposed reef replacement should not have adverse effects on biological resources in the Indian River; however, the suitability of the substrate for supporting reefs is questionable.

Game and Fresh Water Fish Commission offers no objection to the proposed project.

Department of Pollution Control - Certification will not be required for the subject project.

OTHERS: A letter from the applicant states that at the end of the experiment, the signs and havens will be completely removed from the water.

Staff recommends issuance of Artificial Reef Permit No. 05-32-0634 subject to removal of all artificial structures at the end of the experiment.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed on a vote of five to one, with the Treasurer voting "No", the Trustees approved the artificial reef permit subject to the provision recommended by the staff.

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BROWARD COUNTY - Fill Permit No. 06-12-0611
(April 19, 1973)

Consideration of this application on August 7, 1973, (item #5) was deferred at the applicant's request.

APPLICANT: Delphi Enterprises
c/o Davis and Craven
1699 E. Oakland Park Blvd.
Ft. Lauderdale, Florida 33308

PROJECT: To construct and backfill a 255-foot long seawall extending 15 feet waterward of the mean high water line at the south end, to 25 feet at the north end.

LOCATION: Section 6, Township 49 South, Range 43 East, Spanish River, Broward County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division recommends that the project be approved.

ECOLOGICAL RESPONSES: Department of Natural Resources - While the subject area does not appear highly productive, shallow bottoms provide feeding and nursery areas for numerous estuarine and marine species. To best conserve shallow bottoms the seawall should be realigned, connecting the south end to the existing seawall but directing the seawall toward the shoreline.

Game and Fresh Water Fish Commission - The Environmental Protection Section of the Game and Fresh Water Fish Commission concurs with findings and recommendations of the Department of Natural Resources.

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Department of Pollution Control recommends that the proposed seawall be constructed to align with the existing seawall on the south and the natural shoreline at the north.

OTHERS: The City Commission of the City of Pompano Beach prefers that the seawall be constructed as originally submitted so that the northerly projection of the existing seawall from the south can be maintained, and not the suggested alignment as per the Department of Natural Resources biological report.

Staff recommends denial of Fill Permit No. 06-12-0611.

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained that the shoreline had eroded in the artificial waterway that was platted out to the point where the applicant and the City of Pompano Beach desired to have the seawall, that the environmental values are low but as the environmental agencies recommended that the seawall be built at the existing mean high water line, and Trustees need to determine what is in the public interest in this particular case. The applicant was agreeable to using riprap in front of the seawall.

Governor Askew, noting that it was an artificial canal with no perceptible marine life, said the request by the local authorities to re-establish the platted line to recover eroded property appeared to be justified. When Mr. O'Malley asked to see a sketch of the existing shoreline in order to determine the effect of the seawall on the adjoining property on the north, the Governor suggested removing the application from the agenda for further review.

Mr. George LeSerra, representing the applicant, called to the Board's attention the report from the Trustees' field inspector that recommended the alignment as proposed, and Mr. Taylor Ferguson stated that the improvement of the seawall would follow the established pattern and as the delay incident to the application had been financially quite expensive he asked that the matter be expedited as much as possible.

Without objection, the Trustees deferred action until the next meeting.

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COLLIER COUNTY - Dredge/fill & Construction Permit No. 11-31-0172
(Revised August 9, 1973)

APPLICANT: James J. Jentsen, Trustee Everglades Development
c/o Wilson, Miller, Barton, Soll, Inc.
P. O. Box 1468, Naples, Florida 33940

PROJECT: To excavate for a marina and three retention lakes, construct 1) riprap bulkheads interior around the marina, 2) a 350' by 305' by 5' L-shaped dock with ten 24' x 2' catwalks, 3) a 165' bridge, and 4) fill certain lands to 4.5 feet mean sea level.

LOCATION: Section 11, Township 53 South, Range 29 East, Everglades City, Collier County.

MATERIAL: 189,400 cubic yards to be excavated from the marina site and retention lakes with 313,600 cubic yards of fill to be deposited on uplands.

PAYMENT: Not applicable; state-owned lands not involved.

ECOLOGICAL RESPONSES: Department of Natural Resources, Survey and Management - If siltation is adequately controlled and water quality maintained, there should be only limited significant effects on marine biological resources.

Bureau of Beaches and Shores - The revised plan incorporates recommendation previously made by this Bureau regarding using riprap

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along the site walls of the marina. The potential problem of muck and organic material at the bottom of the proposed marina has not been addressed. If such a condition does exist, it is recommended that the marina bottoms be covered with a layer of coarse sand, marl, or other desirable material.

Game and Fresh Water Fish Commission deferred to Department of Natural Resources.

Department of Pollution Control has no objection to the proposed project. Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

Staff recommends issuance of dredge/fill and construction permit No. 11-31-0172 subject to excavation of the marina prior to removal of the earthen plug between marina and river with such removal

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and Mr. O'Malley, and passed without objection, the staff recommendation was approved as the action of the Board.

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MONROE COUNTY - Dredge Permit No. 253-03-352A
(Revised March 29, 1973)

APPLICANT: Neptunian Mariculture Industries & Research, Inc.
Box 19-D, Islamorada, Florida 33036

PROJECT: To dredge one influent canal 38 feet wide and one effluent canal 7.5 feet wide. Three finger canals each 7.5 feet wide will branch to the northeast perpendicular to the influent canal. A permit was previously approved February 20, 1973, but has been revised.

LOCATION: Sections 7, 8 & 18, Township 63 South, Range 38 East, Plantation Key, Monroe County.

MATERIAL: Approximately 1,000 cubic yards of material to be removed from sovereignty land and placed on upland property.

PAYMENT: \$1,500 for 1000 cubic yards of material at \$1.50 per cubic yard.

STAFF

REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL RESPONSES: Department of Natural Resources - The revised plans meet with the approval of this bureau.

Game and Fresh Water Fish Commission - no objection.

Department of Pollution Control - no objection.

Staff recommends issuance of Dredge Permit No. 253.03-352A with the stipulation that the canals be used for mariculture operations only.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Conner, seconded by Mr. Stone and Mr. Dickinson, to approve the staff recommendation.

Treasurer O'Malley recommended that the applicant be required to post a performance bond that could be called on to cover the cost of closing the canals in the event the area under permit is used for any other purpose than mariculture. The Director suggested a phrase might be added such as "or other equal assurance" in lieu of a bond, which was agreeable to Mr. O'Malley. After discussion, the previous motion modified to include the new

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requirement in the permit passed without objection, but if the additional requirement is not acceptable to applicant, staff will reagenda the matter for further consideration by the Trustees.

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MONROE COUNTY - Dredge and Fill Permit No. 44-25-0519
(Revised August 17, 1973)

APPLICANT: George R. Parks, Jr.
3289-B Washington Avenue
Homestead, Florida 33030

PROJECT: To construct a boat slip, boat ramp and riprap seawall
367 feet in length.

LOCATION: Section 6, Township 61 South, Range 40 East, Garden
Cove, Monroe County.

MATERIAL: Not applicable; no state-owned lands involved.

PAYMENT: Not applicable.

STAFF REMARKS: Field Operations Division recommends approval
provided turbidity controls are used.

ECOLOGICAL RESPONSES: Department of Natural Resources, Survey and Management - The construction of the boat slip, ramp, and northern seawall should not have significant adverse effects on marine biological resources if siltation is adequately controlled. The installation of the eastern seawall may have significant adverse effects on marine biological resources. It would be more conservative if this seawall were moved landward to coincide with the existing shoreline. Riprap shorelines associated with gently sloping intertidal bottoms provide more valuable marine resources habitat than vertical concrete seawalls. Beaches and Shores - A hydrographic survey will not be required. To minimize adverse effects on the adjacent property, it is recommended that the proposed seawall south of the boat ramp be modified to conform to the existing shoreline.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This project will create a secondary situation that will give the landowner fits. Namely, he will not have enough suitable land space left for a septic tank. The requirement is 300 square feet per bedroom, all of which must be at least 50 feet from any adjacent high water marks. It is not possible to tell exactly where the high water mark will be in the boat ramp, but by allowing the high water mark to encroach to the ends of the boat slip and ramp, there is a definite problem. It is suggested that the ramp be relocated to be next to the boat slip.

There appears to have been some erosion on the shore of this property, but there are many large boulders lining the shoreline now. Since this is almost a riprap wall now, it seems too bad to replace it with a vertical concrete slab.

As an alternate, perhaps he could put a concrete wall along the canal bank, but put a boulder riprap wall along the east shore.

The hatched area along the shore in the plan view is now gently sloping shoreline with boulders. The canal is box cut, so it drops sharply at the line of the proposed wall. The bottom slope is less abrupt along the easterly shore, but probably also was dredged when the land was filled originally.

NOTE: The applicant proposes to use riprap exclusively and has abandoned the vertical seawall. There will be no fill or riprap placed below the mean high water line. The agent of the applicant states that the recommendation of the Department of Pollution Control to relocate the boat ramp next to the boat slip was made in an effort to make sure that there is a proper drain field for the septic tank. The applicant will have an excess of 5,000 square feet of drain field and it is only required to have 1,200 square feet, since he will construct two bedroom homes on the property. The houses will be on stilts and will not obstruct the drain field as in other types of construction.

Staff recommends issuance of Dredge and Fill Permit No. 44-25-0519 with the stipulation that turbidity curtains be used to control siltation in adjacent waters, and that no fill or riprap will be placed below mean high water.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the staff recommendation was approved as the action of the Board.

-19-

MONROE COUNTY - Dredge Permit No. 44-21-0870E
(June 22, 1973)

APPLICANT: Leslie E. Tassel
Rt. 1, Box 84M, Islamorada, Florida 33036

PROJECT: Maintenance dredge to relocate silt in channel and install a breakwater to protect the marina basin. This is an exemption permit.

LOCATION: Section 29, Township 64 South, Range 36 East, Hawk Channel, Monroe County.

MATERIAL: Approximately 5000 cubic yards of material to be placed on sovereignty lands.

PAYMENT: Not applicable. Proposed dredge area is within Trustees of the Internal Improvement Trust Fund Deed No. 21721.

STAFF REMARKS: Approximately 5000 cubic yards of spoil is to be deposited on sovereignty land in an unacceptable location. No size is indicated for the breakwater and no provisions for turbidity control. This application represents relocation of a navigation channel and not a maintenance dredge as indicated. The applicant should submit a regular application which reflects a relocation of the spoil site.

ECOLOGICAL RESPONSES: Department of Pollution Control - The proposed project would alter the flow in the immediate area and that deposition could play a major role in the alteration of the existing shoreline to such an extent that there will be water quality degradation in the adjacent canal. Based upon the above referenced item and the objections received in response to the publication of the "Public Notice", the project is not recommended for approval.

NOTE: 1. Six letters of objections to the proposed project have been received.

2. Area qualifies as one of environmental significance per Administrative Rule 18-2.095.

Staff recommends denial of Dredge Permit No. 44-21-0870E and recommends that the applicant reapply under standard permitting procedures.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the staff recommendation for denial of the permit under exemption rules and that the applicant should reapply under standard permitting procedures.

-20-

OKALOOSA COUNTY - Dredge & Fill Permit No. 46-12-1040E
(June 22, 1973)

APPLICANT: Frank H. Wallace
13 Maples Street Southwest
Ft. Walton Beach, Florida 32548

September 4, 1973

PROJECT: To construct a bulkhead, two docks, and dredge for boat slip and navigation on lake side.

LOCATION: Section 18, Township 2 South, Range 23 West, Ft. Walton Beach, Okaloosa County.

MATERIAL: 1,400 cubic yards from private basin.

PAYMENT: Not applicable.

STAFF REMARKS: Field Operations recommends denial of this permit as proposed and offers the following suggestions: "Larry Taylor states, 'I do not believe avulsion or artificially created erosion has caused this amount of loss as indicated on the sketch.' There should therefore be no filling below the mean high water line. Since Santa Rosa Sound and the bayou are natural bodies of water, sloping riprap should be used to control erosion instead of a vertical seawall. A revised sketch should be submitted reflecting these changes and depicting accurate dimensions for the size of the lot and boat slip and a delineation of the dredge area."

NOTE: Pursuant to Administrative Rule 18-2.095(2), the proposed project is considered to be in an area of environmental significance exceeding exemption permitting criteria.

Staff recommends denial of Permit No. 46-12-1040E and that the applicant reapply under the standard permitting procedures.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the staff recommendation for denial of the permit under exemption rules and that the applicant should reapply under standard permitting procedures.

-21-

PALM BEACH COUNTY - Dredge Permit No. 253.123-1158

The application of Jupiter Inlet Commission for a dredge permit to remove oyster beds in the shallow Loxahatchee River bottoms to an elevation of -6 feet in an area approximately 1,400 feet long and up to 600 feet wide in Section 31, Township 40 South, Range 43 East, Palm Beach County, was withdrawn from consideration at this time.

Comptroller Dickinson stated that the County Commissioners had requested a short delay, which the Trustees granted.

-22-

SARASOTA COUNTY - Dredge Permit No. 58-39-0773
(July 5, 1973)

APPLICANT: Gulfside Development Corporation
c/o Lloyd O. Pruett, President
933 Contento Circle, Sarasota, Florida 33581

PROJECT: To dredge a boat basin and connect to Little Sarasota Bay.

LOCATION: Section 18, Township 37 South, Range 18 East, Little Sarasota Bay, Sarasota County.
In an aquatic preserve.

MATERIAL: 27,000 cubic yards of material.

PAYMENT: Not applicable. No state-owned lands involved.

STAFF REMARKS: Field Operations Division recommends approval provided the following stipulations are met: 1) A substantial earthen plug separating the basin and navigable waters of the state shall be left in place until excavation and bulkheading within said basin is completed. 2) Depth of basin is not to exceed -5

feet mean low water. 3) Proposed discharge pipes into basin are certified by the Department of Pollution Control.

ECOLOGICAL RESPONSES: Department of Natural Resources - Survey and Management: Only limited excavation through some oysters and Cuban shoalweed would be required to connect the proposed basin to deeper waters offshore. The proposed excavation should have relatively limited adverse effects on marine life provided spoil is adequately contained on uplands. Agencies concerned with protecting water quality should evaluate the proposed development.

Beaches and Shores - A hydrographic study will not be required. The proposed marina will not have as severe stagnation and circulation problems as would an equivalent deadend canal with the same tidal prism. The replenishment of water within the marina during each tidal cycle, however, will be low and high residence times should be anticipated.

Game and Fresh Water Fish Commission deferred to the Department of Pollution Control.

Department of Pollution Control - The revision eliminates the previous objections we had and will result in a lot less future problems associated with basins of this type. Normal maintenance and the effect on local water quality will be reduced. Upon notification of approval by the Cabinet, certification will be issued by the department.

OTHERS: 1. Letter from applicant dated July 5, 1973, complying with recommendations of the agencies.

2. The Board of County Commissioners of Sarasota County, Florida, sitting as the Water and Navigation Control Authority, at its meeting April 17, 1973, adopted a Resolution recommending approval of the project.

Staff recommends issuance of Dredge Permit No. 58-39-0773.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of Dredge Permit No. 58-39-0773.

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PALM BEACH COUNTY - Agricultural Lease No. 1447

This is placed on the agenda at the request of Eduardo R. Pajon, Counsel for the Lessees.

ITEM: Lessees dispute principles and method of appraisal used to determine amount of rental due under an agricultural lease.

LESSEES: New Hope Sugar Company, Florida Atlantic Land Corporation, Truecane Sugar Corporation, and Hatton Bros., Inc.

LOCATION: All of Section 1, less right of way for Levee L-8 and all of Sections 2, 12 and 13, Township 42 South, Range 38 East, Palm Beach County, containing 2,544 acres, more or less.

AMOUNT OF RENTAL IN DISPUTE: Lessees have offered \$49,280 per year for the next 4 years and the difference between \$28,543.68 and \$49,280 (\$20,736.32) as rental payment under the lease for last year. The latter figure represents a balance due from the first year of the disputed rental period resulting from a delay in staff appraisal. Staff has demanded \$71,385.60 per year for the next 4 years and the difference between \$28,543.68 and \$71,385.60 (\$42,841.92) for the first year of the disputed rental period.

NATURE OF DISPUTE: Lessees claim Lease 1447 is in the nature of a ground lease and that in appraising the fair market value of the property for the purpose of fixing annual rentals, the value of permanent improvements should not be included.

STAFF REMARKS: In the opinion of staff, the appraisal method was correct. Extensive memorandums have been prepared by the legal department in support of the staff's position.

1. From the language of the entire lease, it is clear that permanent improvements should be included in determining the fair market value of improvements for the purpose of fixing rentals. Case research supports this position.
2. Even if the language of the lease for the purpose of argument is assumed to be unclear, the parties by their conduct have construed the lease to include the permanent improvements. The appraisal method now in dispute is the second 5-year appraisal made under this lease. The first appraisal was done by a local appraiser from Palm Beach County, Bill Bailey, on June 14, 1967. Staff appraisal follows the same method used by Mr. Bailey. Lessees have paid rent under the Bailey appraisal without objection or protest since 1967.
3. The inclusion of permanent improvements is not an unreasonable construction. Taxes under the lease are paid by the Trustees. The land is used for sugarcane and muck soil after 25 years of intensive farming will probably be severely depleted. Improvements will become obsolete. Excluding permanent improvements from a fair market appraisal creates a gross discrepancy between economic rent and contract rent.
4. In the absence of bad faith, fraud or corruption, the correctness of the principles and methods of the appraiser, just as the awards of arbitrators, should not be disturbed.
5. Lessees claim the lease is in the nature of a ground lease. However, this lease is too short; it is not a net lease; certain improvements were, in effect, paid by lessors; it is not freely alienable, a vital factor in any true ground lease.
6. Based upon available case law, it appears that when the parties intend to exclude permanent improvements from periodic reappraisals, it is specifically stated in the lease provisions.

Staff recommends: 1) That the Trustees not exercise their option to terminate the lease, but continue the lease under certain terms and conditions (a detailed proposed amendment is attached to this item); 2) Terms and conditions are generally that the lessee shall pay to the lessors the amount of rental lessees claim due for this year and the preceeding year, with the understanding that this is not being accepted as full payment until an administrative or judicial determination is made as to the proper rental basis, and in the event lessees are unsuccessful in their contentions that they pay interest on the amount that may be due at today's prime rate or a rate determined by the Trustees.

ACTION OF THE TRUSTEES:

The Executive Director called on Mr. Ross McVoy of the Board's legal staff and Mr. Lou Clark, staff appraiser, who explained the terms of the lease and the appraisals determining the lease rentals.

Dr. Eduardo Pajon of the law firm of Salley, Barnes, Pajon and Primm, and his associate, Mr. Maxwell Grabove, on behalf of the lessee, argued that the improvements should not be included in the appraisal to determine rental, that the improvements would become the property of the Trustees only at termination of the lease.

Governor Askew questioned the lessees' representatives on a number of points. He and the Attorney General expressed the opinion that the advice of the Trustees' counsel was correct that permanent improvements were to be included within the lease term premises.

Motion was made by Mr. O'Malley and duly seconded that the staff recommendation be approved as the action of the Board.

In reply to Mr. O'Malley's inquiry as to current rental rates for sugarcane land in that area, Mr. Clark stated that this particular rent would be determined as \$28 an acre, the lowest reasonable figure he found for such land in that area, but there were other rentals substantially in excess of that. It was noted that September 11 was the date on which the rent should be paid.

Mr. O'Malley made a substitute motion seconded by Mr. Stone that the Board not exercise its right to terminate the lease and require as a condition to continuing the lease the full payment of the amount due, and in the event the lessee decided to litigate that required amount should be paid under protest.

Comptroller Dickinson did not vote for the reason that his previous law firm represented the owners of this land at the time the original lease was negotiated.

The substitute motion carried on a vote of four to one, with Messrs. Stone, O'Malley, Conner and the Governor voting in the affirmative, the Attorney General voting in the negative, and the Comptroller excusing himself for the reason stated.

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MARION COUNTY - Rainbow River Shoreline Survey

The Executive Director stated that this matter was to be deferred because the staff did not have the report of the Southwest Florida Water Management District at this time.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed, the rules were waived for consideration of the addendum.

-25-

HILLSBOROUGH COUNTY - Drainage Easement (August 28, 1973)

This item is placed on the agenda at the request of the Comptroller.

APPLICANT: Hillsborough County

REQUEST: Drainage easement for storm sewer across portions of the University of South Florida campus.

LOCATION: 75-foot wide easement in the S½ of Government Lots 1 and 2, Section 4, Township 28 South, Range 19 East and a 1.093-acre parcel in the SW¼ of NE¼ of Section 4, Township 28 South, Range 19 East, Hillsborough County.

The requested easement is a revision of a request considered by the Board on May 15, 1973. The easement considered at that time would have permitted drainage outfall into a small lake located partially on the University of South Florida campus golf course. Approval of the easement was granted subject to the action of the county, whose resolution requested that the University make a study of the effects of the drainage outfall so as to obtain meaningful data for the use of the Hillsborough County Engineering Department concerning the effects of storm water outfalling in like situations.

The revised easement would divert the drainage around the lake to a natural release area.

The Board of Regents has reviewed and approved issuance of the easement.

The Hillsborough County Environmental Protection Commission reviewed this plan and offers no objection to issuance of the easement.

Staff recommends rescinding of the authority to issue the previously approved easement, and approval of the revised easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson, the Board acted in accordance with the staff recommendation.

Mr. Stone thanked those involved in working out the problem of storm water runoff so that it would not discharge into the lake on the university campus.

LEON COUNTY - Lake Jackson

The Executive Director stated that the staff had previously prepared a report, then at the suggestion of cabinet aides prepared a resolution offered on August 7 for consideration, and redrafted the resolution, distributed for the Board to consider on this date. The resolution's two purposes were to provide an immediate control over new development that might cause siltation problems and to provide long-range control over development in the basin below the historic flood levels of the lake. Basically, the problem was one of water quality with the Trustees becoming involved because the lake was affected by whatever happens to the upland surrounding the lake.

The resolution was not a directive but a request that the local governments involved should take certain actions, Mr. Kuperberg stated, reading from the resolution the sole formal action by the Trustees as contained in a paragraph on page three as follows: "Be it further resolved that should the foregoing be not implemented to the end that measurable improvement in the condition of Lake Jackson is achieved within 180 days of the date hereof then and in that event, it is the consensus of this Board that the state land planning agency should immediately consider initiating the process for the establishment of the Lake Jackson drainage basin as an Area of Critical State Concern." The Director explained the intent of the staff was to describe the values of Lake Jackson to the region, to point out that those natural values were deteriorating at an alarming rate because of certain man-made impositions, to propose a series of steps, and if some significant progress is not made within six months, the state should then consider action.

Mr. Kuperberg added that in the opinion of most of those who had studied the Lake Jackson problems, the origin of the damages was shared about equally by the construction of I-10 (the Department of Transportation), the Tallahassee Mall, and the residential, multi-family and other developments occurring in the Lake Jackson watershed.

Governor Askew commented that the uplands have to be protected to protect water quality, the resolution did not direct any local government but suggested a course of action, the state was ready and able to participate but that those agencies with direct jurisdiction should take the lead, naming the Department of Pollution Control, the Department of Administration, Division of State Planning, to provide inputs and work in concert with local governments. The Governor pointed out that there was sufficient concern about Lake Jackson that the 1973 Session of the Legislature designated it an aquatic preserve, and the language of the resolution was intended to be precatory more than obligatory.

Leon County was represented by Chairman of the County Commission J. B. McCollum who reviewed what the county had done, assured the Trustees that it was doing all it could to protect Lake Jackson and saw no reason at this time for a moratorium on building and development in the area but agreed entirely with the remainder of the resolution, Commissioner William C. Holley who stated that the county and private developers were making an honest effort to solve the problems but one of the major causes was Interstate 10 going through the Lake Jackson drainage area, and Commissioner Lee Vause who opposed a moratorium but welcomed the concern of the Trustees.

Mr. Robert Ervin, representing the Florida Home Builders Association in the absence of Mr. Perry Odom, expressed the opinion that the tone and tenor of the resolution was not necessary at this time in view of the work already done and underway by the city and county. As attorney for the Phipps family, owners of more than half of the shoreline of Lake Jackson, Mr. Ervin pointed out that nearly a year ago his client had entered into negotiations with the Trustees' staff on boundary matters and in an effort to contribute as a private citizen to saving Lake Jackson as a viable body of water. He stated that his clients had no development plans and had serious reservations on the resolution including their land. Suggesting that the local governing bodies be given leeway to work out the problems, he urged deletion of the moratorium provision.

Dr. Sherwood W. Wise, Jr., on behalf of Save Lake Jackson Now Association, recommended strong guidance and encouragement by the state to local government by passage of the resolution. He cited the main areas needing action and recommended measures including on-site retention of sediment, upland water retention, filtration ponds, watershed management plan and pace control on zoning and building.

Mr. Conner said if it would bring about harmony with the local governing bodies he would offer a motion to modify the resolution as requested by the County Commission Chairman.

Mr. O'Malley felt that there should be planned development for the Lake Jackson area based upon reasonable studies but he questioned the Trustees involving themselves in directing local government that had jurisdiction on building and zoning. He said he would second Mr. Conner's motion, but he thought the intent of the moratorium provision could be reworded without being mandatorily specific, by suggesting to the county that it strongly consider imposing a zoning moratorium.

Governor Askew said the spirit of the resolution, as he read it, was not that of trying to dictate to local government but to motivate all the agencies involved, including the state agencies. He agreed with the wording being changed to indicate a recommendation as suggested by Mr. O'Malley, which Mr. Shevin also approved.

Mr. O'Malley offered a motion to substitute for the amendment proposed by Mr. Conner to the resolution, the following rewording of that particular resolving clause: Be it further resolved that the Board of Trustees recommends that the foregoing be implemented to the end that, if measurable improvement in the condition of Lake Jackson is not achieved within 180 days of the date hereof, then and in that event, the Board of Trustees will consider requesting that the state land planning agency immediately consider initiating the process for the establishment of the Lake Jackson drainage basin as an Area of Critical State Concern. The motion recurring on the resolution as amended was passed without objection, and copied into these minutes as follows:

RESOLUTION RELATING TO THE RESTORATION AND
PROTECTION OF LAKE JACKSON

WHEREAS, Lake Jackson, the greater part of which is located in Leon County, is one of Florida's historic natural resources; and

WHEREAS, the legislature recognized this fact in the 1973 Session when it established Lake Jackson as an aquatic preserve under the care of the Trustees of the Internal Improvement Trust Fund; and

WHEREAS, the complete protection of Lake Jackson involves an exercise of authority vested in numerous agencies of government: local, state and federal; and

WHEREAS, all agencies of government involved should, and, in the opinion of the Trustees, desire to, cooperate with each other in doing that which

is required to save Lake Jackson from catastrophic decline; and

WHEREAS, steps are required to protect and restore parts of Lake Jackson such as Meginnis' Arm and Ford's Arm; and

WHEREAS, the Trustees recognize that adequate protection of these segments of Lake Jackson can only come through adequate protection of the whole of the lake; and

WHEREAS, adequate protection of the lake contemplates greater restrictions upon land use in the area over which the Trustees lack jurisdiction; and

WHEREAS, such control of land use is an appropriate function of county government with respect to Lake Jackson; and

WHEREAS, the Trustees are empowered to adopt rules and regulations to protect Lake Jackson as an aquatic preserve; and

WHEREAS, such rules and regulations should take into consideration the powers and functions of other agencies of this state and of other governments.

NOW, THEREFORE, the premises considered,
BE IT RESOLVED by the State of Florida Board of Trustees of the Internal Improvement Trust Fund as follows:

1. The staff, with all practical dispatch, shall confer with representatives of other agencies and governments and report to the Trustees upon any lawful division of responsibilities in attacking the problem; steps to be taken by other agencies and governments in the fulfillment of those responsibilities; and regulations of the Trustees necessary to the coordination and implementation of the efforts of other agencies and governments.

2. That the consideration of cooperation shall include, but not be limited to, (a) the expectation that the Department of Pollution Control will continue its efforts in controlling the quality of all storm water runoff in the Lake Jackson drainage basin; (b) the amendment of local environmental ordinances to require immediate remedial action upon receipt of notice of violation of such ordinances; (c) the daily monitoring by the Department of Transportation of the status and effectiveness of erosion and sediment control measures being utilized in connection with Interstate 10 in the Lake Jackson drainage basin, and release of information relating thereto on a periodic basis; (d) assumption that local governing bodies will base actions taken by them upon the results of studies of pollution of Lake Jackson now under way by Florida State University; (e) the local planning agency will prepare and present an environmental impact study of the proposed project to extend electric transmission lines into the subbasins of Meginnis' Arm and Ford's Arm and make recommendation of possible alternative routes; (f) declaration of a moratorium upon rezoning by local zoning authorities until a master plan for surface water runoff and a current land use plan for the Lake Jackson drainage basin are reviewed by the State Clearinghouse and put into effect by the local government, and the declaration of a building moratorium in the Meginnis' Arm and Ford's Arm subbasins pending receipt of the master plan, preparation of which is now in progress, and the adoption of ordinances relating to set back lines and contractor's bond to guarantee compliance with protective measures.

3. That upon the completion of studies now in progress, all agencies and governments involved jointly evaluate the results and proposed measures designed to restore Lake Jackson to its pristine state.

BE IT FURTHER RESOLVED that the Board of Trustees recommends that the foregoing be implemented to the end that, if measurable improvement in the condition of Lake Jackson is not achieved within 180 days of the date hereof, then and in that event, the Board of Trustees will consider requesting that the state land planning agency immediately consider initiating the process for the establishment of the Lake Jackson drainage basin as an Area of Critical State Concern.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded forthwith to all agencies of the State concerned with any aspect of Lake Jackson, including, but not limited to, the Department of Pollution Control, Department of Transportation, Department of Natural Resources, Department of Administration, Game and Fresh Water Fish Commission, and such other agencies having an interest as may come to the attention of the staff; and copies furnished the Leon County Board of County Commissioners, the Tallahassee City Commissioners the Leon County Environmental Commission, the Tallahassee Leon County Planning Commission, the Tallahassee Leon County Planning Department, the U.S. Department of Interior, Fish and Wildlife Service, and copies be distributed to representatives of the communications media in Tallahassee.

Mr. Jim Fair of Tampa appeared before the Cabinet to ask that attention be given to a problem involving a small lake on the east side of the Florida State Hospital compound. He urged making an area flooded by a dam a wildlife refuge to protect beavers. He also discussed a matter not under the jurisdiction of the Board of Trustees concerning use of telephone Wats lines.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:

Joel Kupferberg
EXECUTIVE DIRECTOR

* * * * *

September 4, 1973

Tallahassee, Florida
September 18, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg	Executive Director
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The minutes of the meeting of August 21, 1973, were approved as submitted.

-2-

ALACHUA COUNTY - Confirm a Public Sale of Murphy Act Land
(August 15, 1973)

LAND

DESCRIPTION: 3 acres in SE corner of S½ of NE¼ in Section 31, Township 8 South, Range 22 East, Alachua County.

LOCATION: The land is approximately 3 miles southeast of Waldo, ¾ mile east of U. S. No. 301, and abuts an unpaved county road.

APPRAISAL: By staff appraiser, \$750.

AUTHORITY

FOR SALE: Section 197.350, Florida Statutes.

DATE OF SALE: August 13, 1973, by the Clerk of the Circuit Court of Alachua County, Florida.

HIGH BIDDER: Roger Bond

HIGH BID: \$1,728.75

Recommend confirmation of sale of this parcel of land to Roger Bond, high bidder, for \$1,728.75 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees confirmed sale of the parcel of Murphy Act land as recommended by the staff.

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LEON COUNTY - Land Transfer for Public Purposes
(August 23, 1973)

APPLICANT: City of Tallahassee

REQUEST: Transfer of 12.1 acres of land to the city for public recreation purposes.

LOCATION: 12.1 acres in NW¼ of Section 12, Township 1 South, Range 1 West, Leon County.

The City of Tallahassee by Resolution No. 73-R-640 dated April 10, 1973, requests this land which lies adjacent to the

September 18, 1973

Bond School be made available to the City for use in its recreation program.

The parcel of land is part of the Florida A & M University campus. The Board of Regents approved this transfer on February 9, 1973, and advised that the A & M University will benefit substantially from the recreation facilities which the city intends to develop on the land.

Recommend conveying the 12.1 acre parcel of land to the City of Tallahassee for public recreation purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees authorized conveyance of the parcel of land to the City of Tallahassee for public recreation purposes only as approved by the Board of Regents.

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BROWARD COUNTY - Utility Easement
(August 27, 1973)

APPLICANT: Board of County Commissioners of Broward County.

REQUEST: Easement for water and sanitary sewerage line.

LOCATION: South 12 feet of N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, Township 51 South, Range 42 East, less the east 15 feet and the west 15 feet, Broward County.

The easement requested is the south 12 feet of the 19.04-acre parcel of land owned jointly by the Dade County School Board and the Trustees. The school board utilizes a small portion of this property for its educational TV tower and broadcasting station, WTHS TV, with the remainder of the land leased to Broward County for park purposes.

Broward County Department of Parks and Beaches has no objection to the granting of the easement.

Recommend issuance of the easement, for water and sewer purposes only, jointly with the Dade County School Board.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Christian and Mr. Dickinson, passed without objection, the Trustees approved issuance of the easement jointly with the Dade County School Board, to the Board of County Commissioners of Broward County for water and sewer purposes only.

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PALM BEACH COUNTY - Road Right of Way Easement
(September 6, 1973)

APPLICANT: Department of Transportation

REQUEST: Access road right of way easement.

LOCATION: West 50 feet of SE $\frac{1}{4}$ of Section 33, Township 44 South, Range 43 East, except south 40 feet containing 3.01 acres, more or less, in Palm Beach County.

The access road is required due to the closing of Ridge Road by construction of I-95. The easement requested is the west 50 feet of the A. G. Holley State Hospital.

The Department of Health and Rehabilitative Services has reviewed and approved issuance of the easement.

September 18, 1973

Recommend issuance of the easement for public road purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Christian and Mr. Dickinson, passed without objection, the Trustees approved issuance of the easement to the Department of Transportation for public road purposes only.

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PALM BEACH COUNTY - Modification of Deed Restrictions
(August 20, 1973)

APPLICANT: Board of County Commissioners of Palm Beach County

REQUEST: Modification of deed restrictions upon seven acres of the lands conveyed by Trustees' Deed No. 18516, to allow Palm Beach County to convey the seven acres to the Palm Beach Habilitation Center, Inc., a non-profit corporation.

LOCATION: 7 acres in NW¼ of SW¼ of Section 29, Township 44 South, Range 43 East, Palm Beach County.

By Deed No. 18516 dated October 9, 1939, the Trustees conveyed 555.7 acres of land lying in Lake Osborne to Palm Beach County for park and forest purposes only pursuant to Chapter 19133, Laws of Florida, Acts of 1939. Palm Beach County, by Resolution No. R-73-419 dated July 31, 1973, amended on August 14, 1973, requests the Trustees to modify the restriction placed on seven acres of the lands conveyed by the original deed of conveyance to Palm Beach County so that those seven acres can be conveyed by the county to the Center for use in its program of aiding habilitation of retarded children and retarded adults and as a recreation center for these persons.

Recommend that the limited use clause in Deed No. 18516 be amended by appropriate instrument as to the seven acres described above, to allow conveyance by the County to the Palm Beach Habilitation Center.

ACTION OF THE TRUSTEES:

As the Treasurer's staff has expressed a request for clarification, that the land should revert to park and forest purposes only in the event the land ceased to be used as requested here, Mr. Kuperberg suggested addition to the recommendation, as follows: "with the county's conveyance subject to the condition that title revert to the county in the event that the Palm Beach Habilitation Center, Inc., or its successor in name, ceases to use the property for habilitation purposes and with the understanding that, consistent with such use, as much of the land as practicable be preserved for park and forest uses as determined by the Board of County Commissioners of Palm Beach County in the Board's review of a site development plan." It was stated that the county attorney had verbally concurred in this condition.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation as modified was approved by the Trustees.

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VOLUSIA COUNTY - Lease Assignment
(August 30, 1973)

APPLICANT: Junior Service League, Inc.,
a Florida corporation
Daytona Beach, Florida

REQUEST: Approval to assign a 49-year lease, dated August 28, 1964, issued by the Florida Council for the Blind to

the Junior Service League, Inc. Proposed assignee is the Easter Seal Society for Crippled Children and Adults of Volusia County, Inc.

LOCATION: 1.96 acres in Lot 4, Block 4, Coleman Subdivision, map book 1, page 155 and Block U Hodgman's Daytona, map book 2, page 82, public records of Volusia County.

The Trustees acquired title to this property subject to this lease by Chapter 67-2236, Laws of Florida, thereby succeeding the Florida Council for the Blind as lessor. This parcel of land is a part of the Welch property under control of the Department of Health and Rehabilitative Services. The Department has reviewed and approved the assignment. Staff counsel has approved the assignment as to form and legality.

Recommend approval of assignment as requested.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved the lease assignment.

-8-

GLADES COUNTY - Request to Advertise an Application to Purchase, File No. 2468-22-253.36

Mr. Kuperberg explained that the staff recommendation was based on that of the Central and Southern Florida Flood Control District and as information from the applicant's attorney was that the District would consider the matter further, the Board was asked to withdraw the application from the agenda at this time by J. S. Click, the applicant.

Without objection, the application was withdrawn from the agenda.

-9-

BREVARD COUNTY - Application for Contract Purchase Deed
File No. 24743 (2033-05)
(October 9, 1972)

STAFF DESCRIPTION: A parcel of submerged land in the Indian River embracing 5.07 acres abutting Section 22, Township 22 South, Range 35 East, Brevard County.

PURCHASERS: H. E. Kirk and D. J. Kirk,
3910 South Washington Avenue,
Titusville, Florida 32780, as sole stockholders
and survivors of the original applicant, Shore
Point, Inc.

ACREAGE: 5.07 acres

RATE: \$1,500 per acre or \$7,605 for the parcel.

PAYMENT: The contract purchaser has paid the full amount of \$7,605 principal, plus \$889.29 interest, under the terms of the contract.

On January 9, 1968, the Trustees unanimously confirmed the sale and contract for land purchase was executed by the Trustees on February 1, 1968.

The Field Operations Division reports that field surveys have been made at the site and that no fill material has been placed on the parcel.

Staff legal counsel is of the opinion that the deed should be issued.

September 18, 1973

Staff advised the applicants that based on the concern expressed by the state environmental agencies it would be extremely doubtful that they would be able to develop the submerged land purchased. Staff offered to submit to the Trustees a recommendation for refund in lieu of issuing a deed. Applicants advised that they preferred that the deed be issued.

Staff requests authority to issue the deed to the purchasers.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone, approving issuance of the deed.

The Director reported that the staff had advised the applicants it was extremely doubtful that they would be able to develop the submerged land by filling, but the applicants requested issuance of the deed anyway.

Without objection, the motion passed. The Governor added, "as long as they want a deed with that understanding."

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VOLUSIA COUNTY - Request for Approval of Land Exchange
File No. 2499-64-253.42 (December 6, 1972)

DESCRIPTION: Six parcels of submerged and filled submerged land abutting Section 49, Township 17 South, Range 34 East, Volusia County.

Applicant to Trustees

- A. 0.268 acre parcel of unfilled land
 - Al. 0.001 acre parcel of unfilled land
 - B. 0.338 acre parcel of filled land for street realignment
- 0.607 acre

Trustees to Applicant

- C. 0.048 acre parcel of filled land
 - D. 0.403 acre parcel of filled land
 - E. 0.010 acre parcel of filled land
- 0.461 acre

- A. CITY AND COUNTY: New Smyrna Beach, Volusia County
- B. APPLICANT: George C. Krewson, Jr., et ux
P. O. Box 565, New Smyrna Beach, Florida 32069
- C. ACREAGE: 0.461 acre, \$9,450 to applicant
AND VALUE: 0.607 acre 6,295 to Trustees
\$3,155 due the Trustees
- D. APPRAISAL: By staff appraiser on April 18, 1973.
- E. PURPOSE: Residential and street realignment.
- F. BIOLOGICAL RESPONSES: Not applicable. No submerged land is being conveyed by the Trustees.
- G. STAFF REMARKS: By Deeds 20158 and 20159, the Trustees conveyed two parcels of submerged land to predecessors in title and the parcels were separated by a state-owned parcel held for street extension. Subsequently both parcels were partially filled and the applicant proposes to reconvey the unfilled portions of the parcels to the Trustees.

The proposed exchange also involves the realignment of the street extension to accommodate residential-sized lots. The

Corrected.
See minutes
Dec.18,1973

applicant proposes to dedicate a strip approximately 12 feet wide to join a 3-foot wide strip owned by the Trustees and extending from the cul-de-sac to the river to provide pedestrian access to the river.

William F. Wright, Building and Zoning Official, City of New Smyrna Beach, by letter of December 6, 1972, states that the plat of the subdivision has been approved by the city.

The applicant indicates that the proposal is in the public interest, as the Trustees will receive two parcels of unfilled sovereignty land and access to the river by the public will be maintained.

On June 5, 1973, the Board authorized that the proposed land exchange be advertised for objections only. (See #15 on June 5 agenda).

Advertisement was made and no objections have been received as of September 12, 1973, being the date that this agenda was published.

Staff requests authority to accept a deed of conveyance from the applicant and to issue a deed to the applicant for the additional consideration of \$3,155.

ACTION OF THE TRUSTEES:

The staff had recommended approval as being in the public interest to resolve an old and incomplete project.

On motion by Mr. Conner, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Trustees.

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DADE COUNTY - Request to Advertise for Land Exchange
File No. 2262-13-253.42 (May 7, 1973)

STAFF DESCRIPTION: Two parcels in the former bed of the Oleta River (Big Snake Creek) in Section 9, Township 52 South, Range 42 East, and a parcel, formerly land, now a part of dredged Maule Lake in Section 10, Township 52 South, Range 42 East, Dade County.

CITY AND COUNTY: North Miami Beach, Dade County

APPLICANTS: S.F.K. Properties, Inc., (a wholly-owned subsidiary of National Industries, Inc.)
James F. Breuil and United Garage and Service Corporation.

APPLICANT'S

REPRESENTATIVE: William C. Lewis, Jr.
Smathers and Thompson, Law Offices
Alfred I. DuPont Building
Miami, Florida 33131

ACREAGE: (1) 3.80 acres to S.F.K. Properties, Inc.
(2) 0.80 acre to James F. Breuil and United Garage and Service Corp.
(3) 2.80 acres to Trustees by James F. Breuil

VALUES: \$50,100 difference due the Trustees.

APPRAISALS: By John E. Milloway, MAI, December 8, 1971, reviewed and modified by Staff Appraiser June 19, 1973.

PURPOSE: At the present time the applicants do not intend to change the present character of the parcels. The use of the property will conform to existing or future zoning regulations.

September 18, 1973

BIOLOGICAL REPORT DATED October 13, 1969

REMARKS: As to parcel No. 1: The subject area is now a marina. The bottoms have been dredged to 8 feet and deeper. Sale of the submerged land and further alteration of it will not have adverse effects on marine life and habitat in the area.

STAFF REMARKS: Parcel No. 2 is a part of the abandoned bed of the Oleta River mostly above the line of mean high water and has been filled to plus or minus five feet above mean sea level.

Parcel No. 3 is located in artificially created Maule Lake and portions of the parcel are encumbered by agreements for utility lines and other installations, navigation, ingress and egress, and the right to fill along a certain seawall.

If conveyed, paragraph 253.12(2)(b)3 requires that the deed to the applicants contain a restrictive covenant against filling. Trustees may waive the restriction at a later date if such a waiver is determined to be in the public interest.

Parcels No. 1 and No. 2 are parts of Tract "A" of a subdivision known as Maule Federal Highway Industrial Sites.

The applicant's representative submits the following statement as to why the exchange will be in the public interest:

"The advantage of this exchange to both the Trustees, Mr. Breuil and National is that it would firmly and finally establish a boundary for the Oleta River, eliminating costly and time consuming litigation, and effectively enable the Trustees to forever prevent the present and future owners of all of Tract "A" from filling into any of Maule Lake or otherwise extending any improvements from their property into Maule Lake."

Staff recommends that the land exchange be advertised for objections only.

ACTION OF THE TRUSTEES:

Mr. Kuperberg commented that this, too was an old problem.

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees authorized the land exchange be advertised for objections only.

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MONROE COUNTY

APPLICANT: Tropical Isles, Inc., c/o A.M. Adams
Post Office Box 1702, Key West, Florida 33040

This item is placed on the agenda at the request of attorney for the applicant, David Paul Horan, 505 Whitehead Street, Key West, Florida 33040.

NATURE OF APPLICANT'S REQUEST:

In February of 1970, the applicant requested permission to dredge state-owned bottoms and submitted a check in the amount of \$2,120 for advance payment of the material to be dredged. This payment was at the then current rate of \$0.10 a yard. The Trustees approved the application but because of other agency objections, the Trustees' permit expired before the dredging was accomplished.

On May 15, 1973, the Trustees denied the applicant's request for an extension of its permit (File No. 253.03-178).

The applicant wishes a refund. The question he has raised is, at what rate this refund should be made, i.e., \$0.10 a yard charged at that time, or \$1.50 a yard presently charged by the Trustees?

September 18, 1973

STAFF RECOMMENDATIONS:

The legal staff of the Trustees is of the opinion that the advance payment of \$2,120 did not purchase the fill material on behalf of the applicant. Real property only becomes personal property when it is severed from the realty. Pettigrew v. W. & H. Development Company, 122 So.2D 813 (1960). The advance payment by the applicant was more in the nature of a performance bond than a purchase and sale of the fill material. Since the applicant cannot presently remove the fill material from the state bottoms, only the advance payment should be returned to him, with interest at the legal rate of 6% per annum.

ACTION OF THE TRUSTEES:

Secretary of State Stone made a motion to approve the staff recommendation. In answer to the Attorney General's question, the Director advised that the monies received from the applicant had been kept in the Trustees' trust fund, an interest-bearing account.

Mr. David Paul Horan, attorney representing Tropical Isles, Inc., related some of the history of this matter and the discussion at the May 15 meeting. He discussed the price of \$1.50 charged by the Trustees for fill material in place in Monroe County, the cost of ninety cents a cubic yard to loosen and stockpile the rock, his efforts to negotiate with the staff on an acceptable settlement which to avoid litigation would be nothing lower than a dollar or, if litigation was necessary, his client would claim \$2.40 a cubic yard.

Mr. Ken Oertel, staff chief counsel, cited the basic difference as the contention of the applicant's attorney that there had been a purchase and sale of the fill material by the Trustees which Mr. Oertel denied, stating that the party was given a license in the nature of an after-the-fact permit which had expired, the terms of that permit had not been fulfilled, the material had not been removed from sovereignty land, and there had never been a purchase or sale of the material.

The Governor questioned whether the applicant had not benefitted from the deepened channel, Mr. Horan responding that the primary reason for the dredging was to get fill material. The Governor pointed out that the material had been moved from one site to another, both on sovereign land, the dredging had been without permission but subsequently an after-the-fact permit was issued, the Board had later decided to deny extension of the after-the-fact permit but to determine the equitable thing to do regarding the money paid by this applicant.

Mr. O'Malley asked a number of questions regarding legal points and equities considering the circumstances surrounding the permit, the cost of dredging material in this area, the basis for the Trustees' charge of \$1.50 a cubic yard, and suggested two-weeks' deferral to allow him to review the previous minutes and statements.

Mr. Conner made a substitute motion, seconded by Mr. Dickinson, to pay the applicant one dollar a cubic yard, presuming that it had cost ninety cents a cubic yard to blast and stockpile the material and applicant has title. He further stated that, if the Attorney General determined that applicant had no title, he would favor paying nothing.

Mr. Shevin asked for evidence of the developer's removal costs, and noted that a decision by a court of law would be a sound basis as to what costs were involved and the plaintiff's damages. The Governor added his disapproval of paying for dredging done without authority to begin with, for which an after-the-fact permit was subsequently issued.

Mr. O'Malley had reviewed the costs of removal of such material and would agree to payment of one dollar a cubic yard unless the matter might be deferred for further review, which he requested because of the confusing points that should be resolved to dispose of the matter fairly.

There followed discussion of the rule regarding two-weeks' delay of an item upon a member's request, the Governor ruling that the Treasurer's request for delay was out-of-order as a motion had been made and discussion had taken place. The chair would entertain a motion to defer.

Mr. Conner then withdrew his substitute motion and offered as an amendment that as the Board still had title, the applicant should be paid nothing for the material. Mr. Shevin pointed out that the man was entitled to reimbursement of the \$2,120. There was no action on this motion.

Mr. Dickinson offered a substitute motion to defer two weeks. This substitute to the original motion of Mr. Stone (to accept the staff recommendation) was seconded by Mr. Stone and passed without objection.

Mr. Shevin asked the Director to provide during the deferral period more detailed information and Mr. O'Malley asked for information as to the formula the staff had used in arriving at the figure of \$1.50 per cubic yard for removal of fill from submerged lands in Monroe County.

The members asked Mr. Horan to provide a brief with detailed information on the actual cost to his client at the time for dredging up the material that is the subject of this controversy, which he agreed to provide.

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Oil drilling lease revisions deferred from the meeting of July 17, 1973, with additional revisions relating to responsibility for pollution as suggested by the Attorney General.

Staff recommends approval of the changes.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees approved the revised state drilling lease form, consisting of 14 pages with a number of revisions to the lease form previously used. Copy of the revised drilling lease form is filed in the Land Records Division of the Trustees' Office.

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TRUSTEES' FUNDS

Rent due in the amount of \$450.00 from Mark Saunders, Jr., for use of a capitol center warehouse for the period June through October 1969, remains unpaid and is determined uncollectible. Mr. Saunders vacated the premises in November 1969, and has not responded to our numerous requests for payment and has made no effort to pay this old rent receivable.

Staff requests authority to write this account receivable off as uncollectible.

Staff had requested authority to write the account receivable off as uncollectible but as new information indicated that Mr. Saunders can be located, the Director asked for withdrawal of the item from the agenda.

It was so ordered.

-15-

BREVARD COUNTY - Dredge Permit No. 253.123-1188
(Revised, June 11, 1973)

September 18, 1973

APPLICANT: Canaveral Port Authority
c/o Gerald M. Ward, Gee and Jenson Consulting Engineers
2019 Okeechobee Boulevard, West Palm Beach, Florida 33401

PROJECT: To construct a channel of -5 feet mean low water depth by 50-foot bottom width, connecting an existing borrow pit to the Canaveral Barge Canal and construct a gate-type curtain barrier at the entrance to the borrow pit.

LOCATION: Section 11, Township 24 South, Range 36 East, Canaveral Barge Canal, Brevard County.

MATERIAL: Approximately 3,900 cubic yards of material to be deposited on existing spoil area at the north end of the borrow pit and in an adjacent borrow pit.

PAYMENT: Not applicable.

STAFF REMARKS: Field Operations Division recommends denial of the project due to inadequate water circulation and the future possibility of the prospective boat basin reverting from dead boat storage to a marina type operation. It is recommended that the entire mouth of the borrow pit be excavated to -5 mean low water to insure water circulation within the proposed boat basin.

ECOLOGICAL
RESPONSES: Department of Natural Resources - If the siltation resulting from this project is controlled sufficiently to satisfy the requirements of the Department of Pollution Control, the marine resources should not be adversely affected. Bureau of Beaches & Shores: A hydrographic study was not required.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed revision of the subject project. Certification will be issued upon notification of Trustees' approval.

Staff recommends issuance of Dredge Permit No. 253.123-1188.

ACTION OF THE TRUSTEES:

A correction in the agenda was requested in the third line of "Staff Remarks" by inserting the word "basin" after "prospective boat".

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the dredge permit and correction of the agenda item as requested.

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DADE COUNTY - Dredge Permit No. 13-21-1081
(June 7, 1973)

APPLICANT: Belcher Oil Company
c/o Tanner Hendrick
Post Office Box 1751
Miami, Florida 33101

PROJECT: To dredge an area 875 feet long by 100-150 feet wide to -36 feet mean low water adjacent to the Belcher Oil Company docks on Fisher Island and install a sheet steel wall on the landward side of the dredge area and on part of a boat slip.

LOCATION: Sections 9 and 10, Township 54 South, Range 42 East, Biscayne Bay, Dade County.

MATERIAL: 10,400 cubic yards to be deposited on land owned by the City of Miami.

September 18, 1973

PAYMENT: Not applicable. City-owned spoil area.

STAFF REMARKS: Field Operations Division has no objection to this project if it is accomplished concurrently with the Corps of Engineers channel deepening.

ECOLOGICAL

RESPONSES: Department of Natural Resources - If siltation is adequately controlled, the project should have limited adverse effects on marine biological resources. However, strong tidal current running through Government Cut can be expected to create siltation control problems.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project. Certification will be issued pending notification of approval by the Cabinet.

Staff recommends issuance of Dredge Permit No. 13-21-1081 subject to the Department of Natural Resources recommendation that siltation be adequately controlled at the dredge and spoil sites.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees authorized issuance of the permit subject to the siltation control provision recommended by the environmental agency.

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INDIAN RIVER COUNTY - Construction Permit No. 2142
(September 5, 1973)

APPLICANT: Division of Recreation and Parks
Department of Natural Resources
Larson Building, Tallahassee, Florida 32304

PROJECT: To extend CP-2142 until October 17, 1973, for installation of two boat ramps at the Sebastian Inlet State Park. The permit was approved by the Trustees on March 7, 1972, and an extension was granted May 31, 1973.

LOCATION: Section 29, Township 30 South, Range 31 East, Indian River County.

Staff recommends extension of Construction Permit 2142.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and Mr. Christian, and passed without objection, the Trustees approved extension of the construction permit until October 17, 1973, as requested.

-18 thru 23-

The Executive Director requested, as a result of telephone calls this week, that the Trustees direct the staff to withdraw the following six applications submitted under exemption procedures and extend the processing time to allow for revisions, the applicants having indicated that they would accept the changes necessary.

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the following applications were withdrawn from the agenda and the processing time extended.

Lee County Dredge Permit 36-25-1200E,
Stella Thayer and Howell Ferguson, applicants;

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Monroe County Dredge Permit 44-21-0903E,
Estes Fishing Camp, Inc., applicant;

Monroe County Fill Permit 44-12-0840E,
C. B. Berkey, Jr., et ux, applicants;

Monroe County Fill Permit 44-12-0841E,
J. M. Sherwood, et ux, applicants;

Monroe County Fill Permit 44-12-0842E,
George W. Metcalf, et ux, applicants;

Monroe County Fill Permit 44-12-0843E,
William P. Fuchs, applicant.

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PALM BEACH COUNTY - Dredge Permit No. 50-20-0367

As William C. Bachman was unable to be present and had requested deferral of his application to dredge a boat mooring area and access channel in Section 10, Township 45 South, Range 43 East, Lake Worth, Palm Beach County, the Trustees deferred consideration of this permit until the next meeting.

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VOLUSIA COUNTY - Construction and Fill Permit No. 64-39-1087E
(July 6, 1973)

APPLICANT: Robert C. Hellerman
3626 South Pensacola Drive, Daytona Beach, Florida 32019

PROJECT: To fill submerged lands and extend a dock 16 feet with
a "T" 10 feet by 32 feet.

LOCATION: Section 2, Township 16 South, Range 33 East, Halifax
River, Volusia County.

STAFF REMARKS: Field Operations Division recommends that the applicant reapply under 253.124(7)(a) as this is an after-the-fact application.

Staff recommends denial of Dredge and Construction Permit No. 64-39-1087E and that applicant reapply under standard procedures.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the staff recommendation was approved and the application under exemption procedures was denied.

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ESCAMBIA COUNTY - Construction Permit No. 17-30-0014
(September 5, 1973)

APPLICANT: Firestone Yacht Basin, Inc., B. K. Powers, President
807 Park Avenue, Milton, Florida 32570

PROJECT: To extend construction permit No. 17-30-0014 for 365
days for the construction of docking facilities on a
parcel of submerged land occupying 211,000 square feet.

LOCATION: Section 33, Township 3 South, Range 32 West, Escambia
County.

STAFF REMARKS: The marina license and construction permit No. 17-30-0014 were approved at Trustees' meeting of February 6, 1973.

Staff recommends extension of Construction Permit No. 17-30-0014 subject to the Game and Fresh Water Fish Commission stipulations contained in the original permit.

September 18, 1973

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. Dickinson, passed without objection, the Trustees approved extension of the permit subject to the Game and Fresh Water Fish Commission stipulations as recommended.

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BREVARD COUNTY - Dredge & Fill Permits 253.123-543 &
253.124-124 (March 5, 1973)

APPLICANT: Oakland Consolidated Corp.
c/o J. Lewis Hall, Jr.
Post Office Drawer 840, Tallahassee, Florida

PROJECT: To extend the permit issued by the Board of Trustees on March 17, 1970, and extended for 6 months on March 20, 1973.

LOCATION: Government Lot 6, Section 31, Township 24 South, Range 37 East, Newfound Harbor, Brevard County.

MATERIAL: All dredging except navigation access channel to be done on applicant-owned submerged land.

STAFF REMARKS: Field Operations Division recommends that new surveys be requested from the owner showing precise topographic information and the work that has been done to date, that vertical seawalls be transformed into riprap retaining revetments, that dead-end canals not be permitted and all construction be confined to the upland as closely as possible.

ECOLOGICAL RESPONSES: Department of Natural Resources - To best conserve marine biological resources, the proposed development should be limited to that area within the existing dikes and the shoreline mangroves. The shallow bottoms should be conserved. To conserve bottom habitat, the proposed channel should be limited to less than 1,000 feet. This length would enable access to water 4 feet deep which should be sufficient since no central navigation channels exist in Newfound Harbor and water deeper than 4 feet is limited. Water quality problems might reasonably be anticipated in at least the two longer canals in this revised project.

Game and Fresh Water Fish Commission - The applicant has reduced the scope of his project. However, there will still be extensive significant damage to the estuarine ecosystem. Our comments of April 19, 1971, pertaining to SAJSP 68-105, which your agency transmitted to the Corps of Engineers, recommended that no filling be allowed below the mean high water line and that dredging be restricted to a minimum-sized navigation channel. The applicant has not responded to these recommendations and due to the biological damage involved in this amended permit application, we maintain our original objections to issuance of the permit.

Department of Pollution Control - As this project is a revision of a project previously approved by the Trustees and the Corps of Engineers, we normally do not comment. However, in response to your request the following comments are submitted:

1. If the project was a new one we would recommend that the applicant confine his development (fill) to above the mean high water line.
2. All dredging be held to a minus 5 feet mean low water and confined to those areas not critical.
3. Precautions be taken to control turbidity.

NOTE: The Board of Trustees in meeting on March 17, 1970, authorized issuance of Permits 253.123-543 and 253.124-124 in accordance with settlement of pending litigation recommended by Trustees' general counsel and the Assistant Attorney General.

The above environmental comments were obtained for a 1972 proposed modification of the existing permits.

The applicant is still in negotiation to obtain a Corps of Engineers permit which as of September 12 remains unresolved.

On September 11, 1973, the applicant's attorney advised the staff that the applicant wished the item placed on the agenda in its present form. A review of the file indicated that up-to-date state environmental agencies' comments would be required before the Trustees' staff could submit a recommendation.

Staff recommends extension of existing Permit No. 253.23-543 and 253.124-124 for 90 days during which time no work will be done pending current review by the state environmental agencies.

ACTION OF THE TRUSTEES:

Mr. Kuperberg pointed out a staff change in the agenda item on the top of page 15, being the deletion of the words "and requests 90 days extension of the state permits" and the substitution therefor "which as of September 12 remains unresolved."

The Board accepting the change in the agenda, motion was made by Mr. Stone, seconded by Mr. Dickinson and passed without objection, to approve the staff recommendation as amended.

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FRANKLIN COUNTY - Dredge Permit No. 19-21-1188
(August 1, 1973, revised)

APPLICANT: Department of Natural Resources
Larson Building, Tallahassee, Florida 32304

PROJECT: To maintenance dredge a one hundred foot wide channel from Alligator Harbor around Alligator Point and into the Gulf of Mexico, a total distance of 8,800 feet.

LOCATION: Section 3, Township 7 South, Range 2 West, Alligator Bay and Gulf of Mexico, Franklin County, in an aquatic preserve.

MATERIAL: 17,500 cubic yards of spoil to be deposited as resolved by the Board of Trustees.

PAYMENT: Applicant requests waiver of fee as this is a public interest project.

STAFF REMARKS: Avulsion of the south beach and extension of Alligator Point northwesterly was the result of Hurricane Agnes in 1972.

ECOLOGICAL RESPONSES: Department of Natural Resources - The proposed maintenance dredge areas are located in the Alligator Harbor aquatic preserve. Bottoms in the channel are largely sandy and unvegetated. A thin layer of silt, however, covers the bottom in some sections of the channel on the bay side of Alligator Point. Bottoms in the short marina channel are silty at the mouth of the marina but are sandy further offshore. Nearby bottoms in the aquatic preserve are sandy and vegetated by seagrasses and provide productive habitat for marine life. Dredging bottoms in the existing Alligator Harbor channel and the Alligator Point marina channel should not have significant adverse effects on marine biological resources if siltation is carefully controlled.

The proposed spoil areas are located on the harbor side of Alligator Point and along a small portion of the Gulf beach. Several small marshes and intertidal creeks occur on the north side of Alligator Point peninsula. . . To best preserve productive marine habitat, these small marshes should not be filled.

The small spoil area indicated on Lot No. 61-A does not contain biologically productive intertidal marsh.

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Since the bottom material along most of the channel appears suitable, it would seem desirable to place the greatest portion of the spoil along the Gulf side of Alligator Point. Open spoiling along the beaches would have only limited effects on marine biological resources. Spoil not used on the beach side should be placed within carefully diked upland areas landward of the mean high water line and should not include the productive intertidal marsh lands or marsh fringes on Alligator Point.

Game and Fresh Water Fish Commission has no objection to the deposition of spoil along the Gulf shoreline. We suggest, however, that the effect of the stone groins be thoroughly evaluated prior to proceeding with this project and that they be modified or removed if it is found that they will affect the natural movement of sand. We also suggest that the owners of the spoil areas be encouraged to undertake intensive revegetation projects on all sand deposited on their property.

The spoil areas on the harbor side of the point are not satisfactory spoil deposition sites. A small tidal creek with accompanying Juncus, Spartina and Batis marsh areas cuts diagonally across lots 66A and 67A with a significant area under water at high tide. This small creek enters the harbor on lot 67A after cutting through a narrow strip of higher ground which is paralleled to the shoreline. Some filling has already been done on these two lots to provide the foundations for houses and further spoil should not be placed in these areas if the productive bay-marsh interactions are to continue.

The area seaward of the narrow upland strip has a fringe of Spartina extending a short distance into the water. Care should be taken to avoid tampering with this natural erosion control area.

We recommend that applicant reexamine his choice of spoil areas on the harbor side of the point and attempt to locate upland sites free of the small tidal creeks and marshes so common in this area. When this type of site is found, measures such as diking should be taken to insure that silt from this project does not encroach on any adjacent marsh areas.

Department of Pollution Control has no objection to the proposed project providing proper diking and overflow structures are constructed on the upland areas to contain the spoil.

NOTE: This item was deferred on August 21, 1973, for resolution of channel location at the tip of Alligator Point and location of spoil sites.

Staff recommends issuance of dredge permit No. 19-21-1188 subject to the following stipulations:

1. That all spoil material suitable for beach and dune restoration be deposited on the gulf beaches of Alligator Point in a fashion as to create a dune line and that the yardage fee for material so used be waived.
2. That permit to dredge the channel off Alligator Point be issued by the Trustees without prejudice to the assertion of rights of the State in sovereignty submerged lands which became part of the Point by avulsion caused by Hurricane Agnes in 1972, which avulsion also filled that part of the old channel nearest the point. In permitting the dredging of a new channel the Trustees have no intent, and none is to be construed from the action taken to abandon the rights of the State in the lands exposed by the avulsion brought about by such hurricane.
3. That all material not used for beach nourishment be deposited on high dry upland, no wetlands as characterized in the DNR memorandum of 9/4/73 to be filled, and that the Trustees be reimbursed at the Franklin County rate of 50¢ per cubic yard for the material so placed.

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained that the first two parts of the recommendation were concessions on the part of the Trustees' staff. In

the third recommendation in which the word "not" should be inserted after the first three words, the staff had described where the spoil material should be deposited and suggested that the Trustees be paid for material placed on private lands.

Governor Askew commented that the cabinet was also the Board of the Department of Natural Resources, while it was advantageous that material not be deposited in open water and desirable that dredged material be paid for, this case was similar to the Fort Pierce maintenance dredging. The applicant, the Department of Natural Resources, has no trust fund to pay for maintenance dredging and as a practical matter the Governor did not think the Trustees could require payment from general revenue. This case did not necessarily set a precedent and the Director's basic premise is valid in trying to insure that the Trustees are reimbursed for material deposited on private land.

Mr. Christian understood that some owners would allow deposit of the material, mostly silt, at no cost to themselves and he felt that the Board could not require payment in this instance. He moved to approve stipulations that the material be deposited on any land available, at no cost to upland owners.

Mr. Dickinson seconded the motion, noting the impracticality of taking funds out of one pocket to put in another and pointing out these owners' interest in the welfare of Alligator Point.

Mr. W. Taylor Moore, on behalf of Alligator Harbor Sports Fishermen, Inc., a non-profit organization, supported the motion and asked that the work proceed on channel maintenance that would benefit not only property owners but all boat owners.

Without objection, the motion passed to approve the staff recommendation as modified by not predicated approval on reimbursement for the material, the third part of the recommendation to read, "That all material not used for beach nourishment be deposited on high dry upland, no wetlands as characterized in the Department of Natural Resources' memorandum of September 4, 1973, to be filled."

Motion was made by Mr. Christian, seconded by Mr. Stone, and passed, to waive the rules for consideration of the following applications added to the original printed agenda.

-29-

FRANKLIN COUNTY - Marina License and Construction Permit
No. 19-30-1207E (August 13, 1973)

This application is listed on an addendum at the request of the Secretary of State.

APPLICANT: Rainbow Marina, Inc.
123 Water Street, Apalachicola, Florida 32320

PROJECT: To construct a service dock and forklift pier to provide ingress and egress for upland commercial facilities.

LOCATION: Section 6, Township 8 South, Range 7 West,
Apalachicola River, Franklin County.

MATERIAL: Not applicable.

PAYMENT: \$212 annual fee for 10,600 square feet of sovereignty land.

STAFF REMARKS: Field Operations Division has no objection to issuance of this permit.

Staff recommends issuance of Marina License and Construction Permit No. 19-30-1207E.

September 18, 1973

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. O'Malley and passed without objection, the Board authorized issuance of the marina license and construction permit.

-30-

COLLIER COUNTY - Fill Permit 253.124(8)-195 (660)

This application is placed on an addendum at the request of the office of the Governor.

APPLICANT: Key Island, Inc.
c/o Tri-County Engineering, Inc.
Post Office Box 578, Naples, Florida

PROJECT: To extend Fill Permit No. 253.124(8)-195 to fill land behind a groin (rubble revetment) that eroded due to dredging by Corps of Engineers, boat traffic, wind and current damage. The permit was approved by the Trustees on December 14, 1971, and will expire on October 13, 1973.

MATERIAL: Approximately 1,200 cubic yards of material will be used as backfill.

PAYMENT: Waived. Material will come from dredge area authorized under Permit 253.123-660.

ECOLOGICAL

RESPONSES: Department of Natural Resources comments that the dredging and filling proposed should have only insignificant effects on marine biological resources, particularly if all or most of the fill is placed above the line of mean high water.

Game and Fresh Water Fish Commission has no objection to the project.

Department of Pollution Control has no objection to the project.

Staff recommends extension of Fill Permit No. 253.124(8)-195 to Key Island, Inc.

ACTION OF THE TRUSTEES:

The Executive Director advised that this application was placed on the agenda improperly, that there was a riprap permit, a dredge permit and a fill permit for this applicant and extension was needed for Dredge Permit 253.123-660 instead of Fill Permit 253.124(8)-195 shown on the agenda. He requested extension of Dredge Permit 253.123-660 for 30 days and the staff would correctly agenda the request for extension of this dredge permit to expire December 31, 1975, in concurrence with the corresponding permit of the United States Corps of Engineers.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the 30-day extension of Dredge Permit 253.123-660 was approved by the Trustees.

-31-

PALM BEACH COUNTY - Request to Advertise Dedication
File No. 2515-50-253.03 (May 10, 1973)

This application is an addendum at the request of the office of the Comptroller.

Staff Description: A 0.21 acre parcel of sovereignty land in Lake Worth abutting Section 33, Township 42 South, Range 43 East.

CITY AND COUNTY: Riviera Beach, Palm Beach County

APPLICANT: Port of Palm Beach District

September 18, 1973

APPLICANT'S Richard M. Miller, P. E.
REPRESENTATIVE: Gee & Jenson
 2019 Okeechobee Road, West Palm Beach, Florida

ACREAGE: 0.21 acre
RATE PER ACRE: Not applicable

APPRAISAL: Not applicable

PURPOSE: To expand the port facilities in order to create docking facilities and cargo handling area.

ECOLOGICAL RESPONSES: Department of Natural Resources - The filling of the parcel would have only limited adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - Recommends the following as to the construction of a bulkhead and filling: "... the north-south bulkhead be constructed at the existing riprap-water interface. This bulkhead should be reduced in length to a point approximately the northeast corner of the existing port ramp. The second or east-west bulkhead would therefore have to be reduced in length in order to join the above shortened bulkhead."

Department of Pollution Control has no objection.

OTHER: 1. Area Planning Board of Palm Beach County has no objection.
2. Board of County Commissioners of Palm Beach County has no objection and is of the opinion that the project is in the public interest.
3. Town of Palm Beach by letter of July 13, 1972, objects to the project.

STAFF REMARKS: The Board of Commissioners of the Port of Palm Beach District by Resolution on November 27, 1972, requests dedication of the parcel, to be administered under the provisions of Chapter 7081, Special Acts of Florida, 1915, as amended and by Chapter 315, Florida Statutes. The resolution states that there are no commercial concessions anticipated other than the use of docking facilities and cargo handling areas by tenants and users of the port, pursuant to applicable laws.

The applicant is of the opinion that development of trade and commerce under law is designed to be in the public interest and the use of the land as well as the proposed construction is in the public interest.

The Field Operations Division has no objection to the project.

The parcel is landward of the established bulkhead line and the Port of Palm Beach District has filed with the Trustees Application No. 253.124-301 for a permit to construct a bulkhead and backfill the parcel with 4,700 cubic yards of material from an upland source.

Staff recommends that the application be advertised for objections only.

ACTION OF THE TRUSTEES:

Mr. Kuperberg called attention to the objection by the Town of Palm Beach to the project.

On motion by Mr. Stone, seconded by Mr. O'Malley and Mr. Dickinson, and passed without objection, the Trustees authorized advertisement for objections only.

On motion duly adopted, the meeting was adjourned.

GOVERNOR - CHAIRMAN

ATTEST:

Joel Kupperberg
EXECUTIVE DIRECTOR

September 18, 1973

Tallahassee, Florida
October 2, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Haydon Burns Building with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

The Executive Director requested consideration of a resolution upon the retirement of Miss Bonnie Shelfer, an employee of the Trustees' office with a long career of service to the State of Florida.

The Trustees expressed appreciation and congratulations to Miss Shelfer and on motion by Mr. Stone, seconded by Mr. Dickinson and passed unanimously, a resolution in recognition of her retirement was adopted, attached hereto and made a part of these minutes.

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The minutes of September 4, 1973, were approved as submitted.

-2-

VOLUSIA COUNTY - Application for Quitclaim Deed
File No. 2505-64-253.12(6) (January 8, 1973)

STAFF DESCRIPTION: A parcel of filled sovereignty land in Indian River North, abutting Section 49, Township 17 South, Range 34 East.

CITY AND COUNTY: New Smyrna Beach, Volusia County.

APPLICANT: Walter L. Norton

APPLICANT'S J. Boyd DeLoach
REPRESENTATIVE: P. O. Box 428, New Smyrna Beach, Florida 32069

ACREAGE: 0.46 acre

RATE PER ACRE: \$350 for the parcel, as of June 11, 1957.

APPRAISAL: Memorandum of appraisal by Staff Appraiser, July 27, 1973.

PURPOSE: Private residence.

BIOLOGICAL RESPONSES: Not applicable.

STAFF REMARKS: The applicant applied for a quitclaim deed pursuant to Section 253.12(6) Florida Statutes, which provides that "Where any person, state agency, county, city or other political subdivision prior to June 11, 1957, extended or added to existing lands or islands bordering on or being in the navigable waters as defined in this section by filling in or causing to be filled in such lands, the board shall upon application therefor convey said land so filled to the riparian owner or owners of the upland so extended or added to. The consideration for such conveyance shall be the appraised value of said lands as they existed prior to such filling."

Two affidavits have been submitted which state that the parcel was filled during the years 1952 to 1953.

October 2, 1973

The Field Operations Division reported that a portion of the parcel may be below the line of mean high water. The applicant revised the application and omitted the parcel in question.

Staff requests authority to issue the quitclaim deed for the consideration of \$350.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and Mr. Dickinson, the Trustees authorized issuance of the quitclaim deed to Mr. Norton for the consideration of \$350.

-3-

ESCAMBIA COUNTY - Artificial Reef Permit No. 17-32-1179
(June 21, 1973)

APPLICANT: Escambia County Board of Commissioners
c/o Santa Rosa Island Authority
P. O. Box 9008, Pensacola Beach, Florida 32561

PROJECT: To construct an artificial fishing reef in the Gulf of Mexico. The reef will be constructed of 10 Liberty ships which will be cut down to the 15 foot mark, cleaned before transporting to the site and scuttled in 70 to 80 feet of water at the proposed location.

LOCATION: Approximately three nautical miles offshore Santa Rosa Island and 5.4 to 6.8 nautical miles east of the No. 1 buoy in the entrance channel leading to Pensacola Bay.

MATERIAL: 10 Liberty ships to form an artificial reef approximately two miles long.

PAYMENT: \$50 artificial reef permit fee.

STAFF REMARKS: Our field operations division has no objection provided: (1) all petroleum products and other contaminants are removed from the ships prior to being transferred to the site, and (2) reef is properly and permanently buoyed.

ECOLOGICAL RESPONSES: Department of Natural Resources - Placement of the Liberty ships in the proposed reef location should not adversely affect marine biological resources and should provide habitat useful to the propagation of marine life.

"Captain L. E. Zangas of the Florida Marine Patrol reports that the construction of this reef in the proposed location would not interfere with commercial fishing or shrimping."

The Department of Natural Resources is currently preparing a Draft Environmental Impact Statement for the Liberty ship Artificial Reef Program in Florida.

Game and Fresh Water Fish Commission has no objections.

Department of Pollution Control - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500.

You are cautioned that any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such waters, as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the water quality standards of the State of Florida.

Staff recommends issuance of Artificial Reef Permit No. 17-32-1179 subject to the recommendations of Field Operations Division.

ACTION OF THE TRUSTEES:

Approving the addition of the words "and the Department of Pollution Control" to the staff recommendation, the Trustees

October 2, 1973

authorized issuance of the artificial reef permit on motion by Mr. Stone, seconded by Mr. Christian and passed without objection.

-4-

MANATEE COUNTY - Fill Permit No. 41-13-0269
(December 1, 1972)

On August 7, consideration of this application was deferred.

APPLICANT: Commander B. J. May
3 Frederick Place
Midway, Ohio 45341

PROJECT: To fill and seawall 0.3 acres of submerged land in Palma Sola Bay to widen a narrow lot. The applicant is proposing to convey approximately 1.24 acres of bay bottom back to the state (Deed No. 22813; 800-14).

LOCATION: Section 31, Township 34 South, Range 17 East, Palma Sola Bay, Manatee County.

MATERIAL: Approximately 680 cubic yards of fill will be transported to the site.

PAYMENT: Not applicable.

STAFF

REMARKS: Field Operations Division recommends approval provided that the seawall is constructed during low tide and prior to the placement of backfill.

ECOLOGICAL RESPONSES: Department of Natural Resources - The proposed fill would have definite but limited adverse effects on marine life. The protruding seawall at the south side of the applicant's property would create a pocket and possibly set a precedent for additional filling of mangroves and shallow submerged lands to the south.

In the event this small fill area is approved, the applicant should be required to re-establish a shoreline similar to the existing vegetated shoreline. The applicant should also avoid establishing an abrupt and protruding shoreline at the south end of the property.

A hydrographic evaluation of this project by Mr. D. T. Tackney, Engineer with the Bureau of Beaches and Shores, is as follows: "A hydrographic survey will not be required. In general, projects of this nature, which result in an abrupt change in the shoreline, are ill advised. The protrusion of the wall beyond the natural shoreline and the resulting corners will set up adverse wave patterns and will tend to cause erosion of the adjacent property. It would therefore be more desirable to have the proposed seawall conform to the general shore alignment."

Game and Fresh Water Fish Commission - If the applicant's proposal is implemented, the biological productivity presently existing within this area will be permanently lost. Several ecological communities will be disrupted thereby adversely affecting others. Displacement will occur to fish and marine organisms which make up the primary food supply for aquatic oriented birds.

In conclusion, the Florida Game and Fresh Water Fish Commission recommends against this project because of the destruction of biological resources that would occur.

Department of Pollution Control - In response to the request this Department has conducted a detailed review of the subject project. It is expected that water quality degradation will result in these Class II waters by the subaqueous filling the proposed area.

The project is not recommended for approval.

NOTE: The applicant has submitted two alternate revisions and both have received adverse comments from the environmental agencies.

Staff recommends denial of Fill Permit No. 41-13-0269.

October 2, 1973

ACTION OF THE TRUSTEES:

Mr. Stone made a motion, seconded by Mr. Shevin and Mr. Christian, to accept the staff recommendation for denial.

Speaking on behalf of the applicant, Mr. William Meikle explained that in order to build in keeping with surrounding houses, building restriction and setbacks, the applicant needed to seawall and fill a portion of the submerged land previously purchased, and the balance of the submerged land would be conveyed back to the state.

Mr. Kuperberg advised that this was an old application twice revised without lifting of environmental objections, the staff felt the need of some direction from the Board and would be pleased to try to work further with the applicant. Mr. Meikle said he would continue to negotiate with the staff, but the lot was too narrow for the applicant's desired house construction without some additional width by filling out to a seawall as other owners had done.

Mr. Kuperberg suggested that an interagency environmental team might inspect the site to try to work out a solution to Commander May's problem.

The Governor directed that this be done and the application be reagendaed at an appropriate time.

-5 and 6-

MARTIN COUNTY - Dredge Permits 43-21-0590 & 43-21-0589

Cabot, Cabot and Forbes, Company, represented by Gee and Jenson, Consulting Engineers, requested deferral of two dredge permit applications for maintenance dredging in Sections 8 and 17, Township 38 South, Range 42 East, Martin County, to allow the applicant to submit a master development plan requested by the staff.

Without objection, consideration of the two permit applications was deferred.

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COLLIER COUNTY - Dredge Permit No. 253.123-660
(Permit extension)

APPLICANT: Key Island, Inc.
c/o Tri-County Engineering, Inc.
P. O. Box 1157, Naples, Florida 33940

PROJECT: To extend Dredge Permit No. 253.123-660 for maintenance dredging of an -6 foot mean low water channel 50 feet wide by 400 feet long. The permit was approved by the Trustees on October 20, 1970, and will expire on October 20, 1973.

LOCATION: Section 21, Township 50 South, Range 25 East, Gordon Pass Lagoon, Collier County.

MATERIAL: Approximately 600 cubic yards of material will be dredged from the channel.

PAYMENT: \$90 was submitted October 8, 1970, for the dredged material.

STAFF REMARKS: This permit was extended for 30 days on September 18, 1973.

ECOLOGICAL RESPONSES: Department of Natural Resources - The dredging and filling proposed should have only insignificant effects on marine biological resources, particularly if all or most of the fill is placed above the line of mean high water.

Game and Fresh Water Fish Commission - The proposed area should be reduced to a top width of 50 feet and a bottom depth of six feet at mean low water level.

October 2, 1973

Department of Pollution Control has no objection to the project.

Staff recommends extension of Dredge Permit No. 253.123-660 until December 16, 1974, to coincide with Fill Permit No. 253.124(8)-195.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees granted the extension recommended by the staff.

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ESCAMBIA COUNTY - Dredge Permit No. 253.123-652
(August 10, 1973)

APPLICANT: William Soule
c/o Wilmer H. Mitchell
P. O. Drawer 1271, Pensacola, Florida 32596

PROJECT: To extend Dredge Permit No. 253.123-652 for 60 days until state environmental agencies can comment on an extension of one year as requested by the applicant. The permit expires on October 6, 1973.

LOCATION: Adjacent to Sections 50 and 51, Township 2 South, Range 30 West, Pensacola Bay, Escambia County.

MATERIAL: 30,000 cubic yards of dredged material to be placed on beach area lost by erosion caused by Hurricane Camille.

PAYMENT: Not applicable.

Staff recommends extension of Dredge Permit No. 253.123-652 for 60 days. Requested extension of 1 year will be reagendaed upon receipt of comments from the state environmental agencies.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the 60-day extension was approved as recommended by the staff.

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PALM BEACH COUNTY - Construction Permit No. 50-30-0379
(Revised June 4, 1973)

APPLICANT: August Urbanek
c/o Foresight, Inc.
Suite 209, 201 N. Federal Highway
Deerfield Beach, Florida 33441

PROJECT: To construct a marginal dock 5 feet wide by 178 feet long

LOCATION: Section 33, Township 46 South, Range 43 East, Tract III Intracoastal Waterway, Palm Beach County.

MATERIAL: Not applicable.

PAYMENT: Not applicable; a project on a land-cut section of the Intracoastal Waterway.

STAFF REMARKS: Field Operations Division has no objection to this project.

ECOLOGICAL RESPONSES: Department of Natural Resources - Construction of the proposed project should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission has no objection.

October 2, 1973

Department of Pollution Control has no objection.

OTHERS: 1. Florida Inland Navigation District has no objection provided no piles, dolphins or other constructions are permitted channelward of the proposed five-foot wide marginal dock. The applicant agrees.

2. The Town of Highland Beach has no objection provided a local permit is obtained following approval of Federal, State and County agencies.

3. The Board of County Commissioners of Palm Beach County is of the opinion that this project is in the public interest.

Staff recommends issuance of Construction Permit No. 50-30-0379 as stipulated by the Florida Inland Navigation District.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the construction permit subject to the stipulations of Florida Inland Navigation District.

-10-

LEE COUNTY - Marina License & Construction Permit No. 36-30-0484
(May 4, 1973)

APPLICANT: Beautiful Island Club, Inc.
P. O. Box 2187, Ft. Myers, Florida 33902

PROJECT: To construct docking facilities covering 12,500 square feet.

LOCATION: Section 33, Township 43 South, Range 25 East, Caloosahatchee River, Lee County.

MATERIAL: Not applicable.

PAYMENT: \$250.00 annual fee for 12,500 square feet at \$.02 per square feet.

STAFF REMARKS: Field Operations Division recommends approval of the project but stipulates that no mangroves seaward of the mean high water line be removed.

ECOLOGICAL RESPONSES: Department of Natural Resources - The dock installation should have no significant adverse biological or hydrographic effects. This island, containing substantial tracts of prime mangroves wetland, is on the list of lands being considered for the Endangered Lands Program.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control has no objection to the proposed marina, but concurs with the Department of Natural Resources in that any major development on this island will create potential problems.

Staff recommends that the Trustees defer action on the marina license application until an overall development plan and a mean high water line survey is submitted to the staff.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the staff recommendation was approved as the action of the Board and the application was deferred.

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PINELLAS COUNTY - Marina License & Construction Permit
No. 52-30-0925 (July 12, 1973)

October 2, 1973

APPLICANT: Harris L. Bayless
325 Capri Blvd., Treasure Island, Florida

PROJECT: To construct an L-shaped dock 24.5 feet long, covering 214 square feet of submerged land.

LOCATION: Section 23, Township 31 South, Range 15 East, Boca Ciega Bay, Pinellas County in Aquatic Preserve Boca Ciega Bay, G-10.

MATERIAL: Not applicable.

PAYMENT: \$100 annual fee.

ECOLOGICAL RESPONSES: Department of Natural Resources has no objection.

Game and Fresh Water Fish Commission has no objection.

Department of Pollution Control - A water certification will not be required for this project. The applicant is cautioned that any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such waters, as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida.

OTHERS: The Pinellas County Water and Navigation Control Authority approved the marina permit application during its regularly scheduled meeting on April 17, 1973.

Staff recommends issuance of Marina License and Construction Permit No. 52-30-0925.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the marina license and construction permit.

-12-

PINELLAS COUNTY - Bulkhead Line No. 52-35-0451
(December 20, 1973)

APPLICANT: Town of Belleair
Belleair, Florida 33516

PROJECT: To approve a bulkhead line 23,191 feet, more or less, long, established by the Town Commission of the Town of Belleair by Resolution No. 72-4 adopted January 18, 1972.

LOCATION: Sections 21 and 29, Township 29 South, Range 15 East, Clearwater Bay, Pinellas County, in Aquatic Preserve G-19.

ECOLOGICAL RESPONSES: Department of Natural Resources - The proposed bulkhead line coincides closely with existing seawalls; and where no seawalls exist, it would closely approximate the line of mean high water. One or two small creeks have been excluded from consideration by the proposed bulkhead line.

Establishment of the proposed bulkhead line at the approximate line of mean high water would preclude significant filling of submerged lands and thus conserve marine biological resources.

The shoreline growth of cord grass (*Spartina*) and mangroves on Bellview Island and along the unseawalled portions of the mainland should be carefully conserved.

Game and Fresh Water Fish Commission - We have reviewed this application and offer no objection to its issuance.

October 2, 1973

Department of Pollution Control offers no objection to the proposed bulkhead line as it coincides in most part with the line of mean high water. It is recommended that the County be made aware of the Trustees' resolution regarding natural riprap seawalls.

Staff recommends approval for the establishment of Bulkhead Line No. 52-35-0451 subject to the recommendation of the Department of Pollution Control.

ACTION OF THE TRUSTEES:

In response to a question raised at cabinet aides' meeting concerning two small creeks, Mr. Kuperberg advised that the field inspector of the Department of Natural Resources who made the inspection reported that he had no objection as no biological productivity was affected by the proposed bulkhead line.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved the bulkhead line established by the Town of Belleair Beach, subject to the recommendation of the Department of Pollution Control.

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CHARLOTTE COUNTY - Dredge Permit No. 253.123-847
(Revised August 6, 1973)

APPLICANT: Port Charlotte Yacht Club
P. O. Box 2054
Port Charlotte, Florida 33952

PROJECT: To perform maintenance dredging in three existing channels.

LOCATION: Sections 26, 27, 28, 33, 34 & 35, Township 40 South, Range 40 East, Charlotte Harbor, Charlotte County.

MATERIAL: 3,650 cubic yards to be placed on uplands owned by General Development Corporation.

PAYMENT: \$3,650

ECOLOGICAL REMARKS: Department of Natural Resources - The proposed maintenance dredging of approximately 3,650 cubic yards of material from three existing channels should have relatively limited adverse effects on marine biological resources provided spoil is adequately contained. Sand from the proposed dredging may provide suitable material for beach nourishment.

Game and Fresh Water Fish Commission - This agency has no objection to the proposed project.

Department of Pollution Control has no objections.

Staff recommends issuance of Dredge Permit No. 253.123-847.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Stone and passed without objection, the Board approved issuance of the dredge permit.

-14-

OKALOOSA COUNTY - Construction of Seawall Permit No. 46-12-1036E
(June 22, 1973)

APPLICANT: Robert E. Kieran
4244 Gaines Mill Road, Birmingham, Alabama

PROJECT: To construct a seawall 103.76 feet long and to reclaim 35 feet of submerged land lost by erosion.

LOCATION: Section 18, Township 2 South, Range 23 West, Lot 6, Block A, Gilmore Subdivision, Fort Walton Beach, Okaloosa County.

October 2, 1973

MATERIAL: Not applicable.

PAYMENT: \$25 exemption processing fee.

STAFF REMARKS: Our Field Operations recommends denial of this permit as proposed and recommends that sloping riprap be used instead of a vertical seawall, as Santa Rosa Sound is a natural body of water. A letter was sent to the applicant on August 17, 1973, requesting that his project be revised to include a sloping riprap. We have not received a reply to our letter.

ECOLOGICAL RESPONSES: Department of Pollution Control - Any building on this narrow strip of land will be detrimental to water quality due to road construction and utility installation in addition to the buildings themselves.

If the area is to be developed it is the recommendation of this Department that no filling or alteration of shoreline or bottoms be permitted on the lake side and sloping riprap type seawalls be constructed at the existing line of mean high water on the Sound side.

Staff recommends denial of Permit No. 46-12-1036E and that applicant apply under standard permitting procedures.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Board approved the recommendation of the staff to deny the permit submitted under exemption procedures and that the applicant apply under standard procedures.

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OKALOOSA COUNTY - Construction of Seawall Permit No. 46-12-1039E
(June 22, 1973)

APPLICANT: William J. Muldoon, Jr.
212 Gilmore Court, Southeast
Ft. Walton Beach, Florida 32548

PROJECT: To construct a seawall 103.76 feet long and to reclaim 25 feet of submerged land lost by erosion.

LOCATION: Section 18, Township 2 South, Range 23 West, Lot 7, Block A, Gilmore Subdivision, Fort Walton Beach.

MATERIAL: Not applicable.

PAYMENT: \$25 exemption processing fee.

STAFF REMARKS: Our Field Operations recommends denial of this permit as proposed and recommends that sloping riprap be used instead of a vertical seawall, as Santa Rosa Sound is a natural body of water. A letter was sent to the applicant on August 17, 1973, requesting that this project be revised to include a sloping riprap. We have not received a reply to our letter.

ECOLOGICAL RESPONSES: Department of Pollution Control - Any building on this narrow strip of land will be detrimental to water quality due to road construction and utility installation in addition to the buildings themselves.

If the area is to be developed it is the recommendation of this Department that no filling or alteration of shoreline or bottoms be permitted on the lake side and sloping riprap type seawalls be constructed at the existing line of mean high water on the Sound side.

Staff recommends denial of Permit No. 46-12-1036E and that applicant apply under standard permitting procedure.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed with-

October 2, 1973

out objection, the Board approved the recommendation of the staff to deny the permit submitted under exemption procedures and that the applicant apply under standard procedures.

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CHARLOTTE COUNTY - Fill & Construction Permit No. 08-39-0697E
(May 14, 1973)

APPLICANT: Larry E. Canada, Sr.
801 Englewood Road, Englewood, Florida 33533

PROJECT: To construct a 90-foot seawall to be tied to existing seawalls on both ends.

LOCATION: Section 6, Township 41 South, Range 20 East, Lemon Bay, Charlotte County.

STAFF REMARKS: The staff recommends denial of this permit due to seawall construction and fill proposed to be placed on sovereignty lands.

Staff recommends denial of Fill and Construction Permit No. 08-39-0697E.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Board approved the recommendation of the staff to deny the permit.

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BAY COUNTY - Dredge Permit No. 03-21-1198E
(July 16, 1973)

APPLICANT: Howell W. Herrin
Route 4, Box 752, Panama City, Florida 32401

PROJECT: To perform maintenance dredging in a discharge canal to clear vegetation.

LOCATION: Section 13, Township 2 South, Range 14 West, Sheritt Branch, Bay County.

STAFF REMARKS: Field Operations Division recommends denial of this application. Destruction of vegetation would exceed 10% in an environmentally significant area as stated in Administrative Rule 18-2.095. A private dock spanning the proposed dredging area to reach the natural stream channel would be an acceptable alternative.

ECOLOGICAL RESPONSES: Department of Pollution Control - The proposed dredging site is located in Sheritt Branch which flows into Deer Point Lake. Waters within the project area are classified as Class I, public water supply.

In order to maintain existing high water quality we do not recommend the proposed dragline operation. Turbidity and siltation from construction as well as the removal of aquatic vegetation could have deleterious effects on the aquatic system. The nutrient assimilative capacities of aquatic plants helps maintain water quality and the vegetation provides habitat for diverse species of aquatic organisms. An alternate proposal may be the construction of a small dock which would provide reasonable access to Sheritt Branch as well as maintain the integrity of the aquatic ecosystem.

Staff recommends denial of Dredge Permit No. 03-21-1198E.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Board approved the recommendation of the staff to deny the permit.

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MONROE COUNTY - Fill Permit No. 44-39-1176E
(September 10, 1973)

APPLICANT: Robert S. Devitt
P. O. Box 815, Key Colony, Florida 33050

PROJECT: To construct a seawall 308.15 feet long along
Bonefish Bay and an artificial canal.

LOCATION: Section 5, Township 66 South, Range 33 East, Canal
10 and Bonefish Bay, Monroe County.

STAFF REMARKS: Staff requested modification of the project to include a riprap bulkhead on the bay side and that the requested sheet piling seawall be faced with riprap on the canal side. Applicant requests that original seawall design be considered for approval without modification.

Field Operations has no objection provided the seawall does not extend beyond the mean high water line.

ECOLOGICAL RESPONSES: Department of Pollution Control - Certification will not be required.

Staff recommends denial of Fill Permit No. 44-39-1176E.

ACTION OF THE TRUSTEES:

Mr. Devitt said he was a general contractor trying to protect upland property, of which two feet had already eroded away, by building a concrete seawall around his entire property as the land on which his home was seawalled without appearing to have damaged marine life in the canal. He would not object to placing riprap at the bottom of the seawall but in his opinion the use of riprap for the seawall on the bay side would not provide the needed protection.

On motion by Mr. Dickinson, seconded by Mr. Conner, the application was deferred until the next meeting to allow further study and a conference between the staff and the applicant.

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PALM BEACH COUNTY - Dredge Permit No. 50-20-0367
(January 22, 1973)

This application was deferred on September 18, 1973.

APPLICANT: William C. Bachman
c/o Hart Marine Construction, Inc.
837-30th Street, West Palm Beach, Florida 33407

PROJECT: To dredge a boat mooring area 18 feet by 45 feet
and an access channel 80 feet long, 20 feet wide
and 4 feet deep.

LOCATION: Section 10, Township 45 South, Range 43 East, Lake
Worth, Palm Beach County

MATERIAL: Approximately 154 cubic yards of dredged material
to be placed on a barge and carried away.

STAFF REMARKS: Field Operations Division reports that the area is biologically significant and the permit should be denied. It is their recommendation that the applicant seek a variance from city regulations to allow him to construct a dock far enough out from his property to reach deep water - about 50 feet.

ECOLOGICAL
RESPONSES: Department of Natural Resources - The proposed dredging would have only limited adverse effects on biological resources in Lake Worth provided siltation is controlled and the spoil is deposited

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on uplands. It is presumed that the spoil will be placed on an upland site and adequately contained to prevent runoff to public waters.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

OTHERS: 1. The Board of County Commissioners at their regular meeting of July 31, 1973, was of the opinion that this project is not in the public interest and recommended that the jetty be extended.

2. The Palm Beach County Area Planning Board states that projects of this nature tend to set a precedent for adjacent home owners to follow. If this happens, it would eliminate a substantial amount of shallow water feeding grounds. An extension of the existing dock would hinder boat traffic in the area because of the narrow water way.

Staff recommends denial of Dredge Permit No. 50-20-0367.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Shevin, to approve the staff recommendation to deny the permit.

Mr. John A. Ford, Town Manager of Manalapan, Florida, where the project is located, stated that the Area Planning Board of Palm Beach County was the local governing body to review such projects, that the project was in the public interest, the town had been given no opportunity to appear before the County Commission, and to extend a dock 50 feet out would be aesthetically undesirable.

Mr. Dickinson made a substitute motion to delay action to allow the Town of Manalapan to appear before the Board of County Commissioners of Palm Beach County.

Attorney General Shevin called attention to the resolution adopted by the Trustees on June 1, 1971, concerning a moratorium on dredging in Palm Beach County unless determined to be in the public interest. He and the Governor expressed the greater inclination of the Trustees would be to support the county position in regard to the public interest, when this application is again agendaed.

Without objection, further consideration was delayed at the suggestion of Mr. Dickinson to give the Town of Manalapan an opportunity to appear before the Palm Beach County Commissioners. The Governor suggested not more than thirty days deferral.

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MARION COUNTY - Confirm a Public Sale of Murphy Act Land
(August 30, 1973)

LAND

DESCRIPTION: Lot 5, Block 108, Belleview, containing .085 acre, more or less.

LOCATION: This lot is an irregularly-shaped rectangle situated on the South side of U. S. 441 Alternate in the City of Belleview, in a neighborhood consisting of medium to low income residences together with thinly dispersed commercial enterprises.

APPRAISAL: By staff appraiser, \$1,000.

AUTHORITY
FOR SALE: Section 197.350, Florida Statutes.

DATE OF
SALE: August 27, 1973, by Clerk of the Circuit Court

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of Marion County, Florida.

HIGH
 BIDDER: Eldon D. Slone and Viola M. Slone
 HIGH BID: \$1,000

Recommend confirmation of sale of this lot to Eldon D. Slone and Viola M. Slone for \$1,000 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board confirmed the land sale as recommended under the provisions of the Murphy Act.

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ST. JOHNS COUNTY - Road Right of Way Easement

APPLICANT: City of St. Augustine

REQUEST: Easement for street right of way purposes.

LOCATION: Part of Lot 1 of Block 40 according to official map of the City of St. Augustine dated January 1, 1905, being a triangular-shaped parcel of land on the southeast corner of the intersection of St. Francis Street and Marine Street containing approximately .0165 acre. This parcel of land is part of the State Arsenal under control of the Department of Military Affairs.

The Department of Military Affairs has reviewed this request and approved issuance of the easement, stating that granting the easement will allow the city to round the corner of this property to alleviate a serious traffic congestion and safety problem caused by a sharp "S" turn.

Recommend issuance of the easement for public road purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees granted to the City of St. Augustine the easement requested for public road purposes only.

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CHARLOTTE COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Kirby Petroleum Company
 Houston, Texas

REQUEST: Consideration of sealed bids for an oil and gas lease.

LOCATION: E½ of NW¼ of SW¼ of NW¼ and W½ of SE¼ of SW¼ of NW¼ of Section 16, Township 41 South, Range 24 East, containing 10 surface acres and 5 net mineral acres in Charlotte County.

INTEREST

OF STATE: The State of Florida holds an undivided one-half interest in all petroleum and petroleum products in this privately-owned parcel as a result of Murphy Act Deed No. 416 dated December 15, 1952. All proceeds from the proposed lease will go to General Revenue unallocated.

On August 21, 1973, the Trustees authorized advertising a five-year oil and gas lease for sealed bids. The lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/8 royalty and at least one test well drilled to a depth of

6,000 feet or to those intervals within the Lower Cretaceous which are known to produce elsewhere in the area.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and the Herald-News in Charlotte County with bids to be opened at 10:00 a.m. (EDST) on October 2, 1973, for consideration by the Trustees. The right to reject any or all bids is reserved.

ACTION OF THE TRUSTEES:

Mr. James T. Williams, Land Records Division of the Trustees' office, reported that one bid was received on behalf of Kirby Petroleum Company, Houston, Texas, and Shell Oil Company, New Orleans, Louisiana, in the total amount of \$145.00 representing a bonus bid per acre of \$28. Mr. Williams said it was a good bid and recommended issuance of the lease to Kirby and Shell.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees accepted the bid and awarded the oil and gas drilling lease to Kirby Petroleum Company and Shell Oil Company.

Mr. Williams advised the Trustees that \$185,384 in oil and gas royalties had been received by this board in the past fiscal year and distributed to the various agencies whose lands were involved in the seven leases that the board had issued.

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COLLIER COUNTY - Advertise for Oil and Gas Lease Bids (June 6, 1973)

APPLICANT: Tribal Oil Company
Lafayette, Louisiana

REQUEST: Advertise an oil and gas drilling lease for bids.

LOCATION: All of Section 16, Township 46 South, Range 28 East, containing 640 surface acres in Collier County lying approximately 4 miles northeast of Lake Trafford in a portion of the Corkscrew Swamp.

INTEREST
OF STATE: An undivided one-half interest in the petroleum is held by the Board of Education, totaling 320 net mineral acres. All proceeds from the proposed lease will go to the School Fund.

Although this section lies outside the Big Cypress Watershed area, the Big Cypress Advisory Committee was requested to review this application and inspect the land as it lies within an area which drains into the Corkscrew Swamp Sanctuary. The Big Cypress Advisory Committee met on September 17, 1973, inspected this land and concluded that this land could be leased with the lease containing the provision that if oil is discovered in a well to the north, the state's lessee be required to present a satisfactory plan of further exploration that would be acceptable to the Committee, for the entire area that would include the Corkscrew Swamp or any parts of it that might be underlain with oil.

Recommend advertising for sealed bids for a five-year primary term oil and gas drilling lease with an annual rental of \$1 per net mineral acre, 1/8 royalty, \$50,000 surety bond and at least one test well every 2½ years, drilled to a depth of 6,000 feet or through the Sunniland Formation, whichever is deeper and subject to the special provision recommended by the Big Cypress Advisory Committee.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board authorized the advertisement for sealed bids as recommended by the staff.

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SANTA ROSA COUNTY - Oil and Gas Lease Sale

APPLICANT: Arden A. Anderson and Frederick Gillmore III
Pensacola, Florida

REQUEST: Return of high bid received for an oil and gas lease.

LOCATION: NW¼ of SW¼ of Section 13, Township 5 North, Range 30
West, Santa Rosa County, less the North 66 yards,
containing 34 surface acres.

INTEREST
OF STATE: State of Florida under Chapter 18296, Acts of 1937,
(Murphy Act), holds an undivided one-half interest
under Santa Rosa Murphy Act Deed No. 406 dated
May 22, 1947. Proceeds of lease will go to General
Revenue unallocated.

On January 3, 1973, pursuant to the request of Sun Oil Company, the Trustees authorized advertising a five-year term oil and gas drilling lease covering the reserved one-half interest of the state, amounting to 17 net mineral acres in this 34 acre parcel. Invitation to bid was published pursuant to law and on February 20 bids were opened before the Board with the higher of two bids being submitted by Arden A. Anderson and Frederick Gillmore III, a total bid of \$15,168.11. The high bid was received and award of lease was deferred pending the holding of a public hearing required by Section 253.52, Florida Statutes.

At the public hearing held by James T. Williams of the Land Records Division of the Trustees' office, Mr. Henry Nelson appeared and objected to issuance of the lease. Mr. Nelson, as owner of the surface of the land in which the state holds a reserved one-half petroleum interest, stated that the State owned less than the 17 net mineral acres offered for lease.

Review of this objection from Mr. Nelson by the staff and staff counsel revealed that, due to the issuance of Santa Rosa County Murphy Act Deed No. 136 dated September 3, 1942, conveying title to a portion of the land conveyed in Deed No. 406, the state holds less than the 17 net mineral acres offered for lease. This is due to the 1942 earlier deed not reserving an interest in the petroleum, conforming to policy of the Trustees.

As the Board of Trustees is unable to lease the 17 net mineral acres as advertised, it is recommended that the high bid in the amount of \$15,168.11 be returned to Arden A. Anderson and Frederick Gillmore, III, as requested.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board accepted the recommendation of the staff to return the high bid of \$15,168.11 to the two parties comprising the applicant, as requested.

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LEE COUNTY - Lawsuit Settlement

CASE: Quin-Ton, Inc., v. State of Florida Board of
Trustees of the Internal Improvement Trust Fund,
in the Circuit Court of the 20th Judicial Circuit,
Case No. 73-983 CA.

LOCATION: Caloosahatchee River in Section 20, Township 45
South, Range 24 East, Lee County, Florida.

NATURE OF
CONTROVERSY: Plaintiff Quin-Ton, Inc., sued the Trustees for a
determination of a boundary line for 1.5 acres on the Caloosahatchee
River. Plaintiff claims shoreline is as of May, 1973; Staff claims
boundary to be a 1958 line as depicted on the attached proposed

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plat. Plaintiff alleges that additions to shoreline since 1958 are imperceptible accretion. Staff has alleged by counterclaim that the additions to the 1958 shoreline are unauthorized fill. To date, investigation indicates support for the staff position but the evidence gathered thus far is not conclusive. There is also evidence to support Plaintiff's position.

Australian pines and Brazilian pepper grow in the disputed area. At the extreme west end, there is a small stand of red mangroves.

PROPOSED

SETTLEMENT: The disputed acreage will be divided in half. Plaintiff will return the state's acreage to submerged land status and fill a corner of one residential lot, upland of the proposed boundary line.

The cost of this operation will be borne by the Plaintiff. Plaintiff will pay \$1.00 per cubic yard for the fill removed. The submerged land will be restored to its original contours as follows:

1. At the offshore side to minus three feet mean low water or the existing depths in the undisturbed river bottoms on either side of the filled area, whichever is the lesser depth.
2. At the landward side to minus one foot mean low water or to the existing depths in the undisturbed river bottoms on either side of the filled area, whichever is the lesser depth.
3. In between these two areas the material should be removed in such a manner as to maintain a constant gradient from the landward side to the offshore side.
4. Filter X or similar material will be used as under-layment prior to the placement of riprap (no vertical seawalling).

Plaintiff will provide appropriate turbidity protection while dredging operations are in progress.

Plaintiff will survey the area and provide a legal description for the parties' use in the exchange of quitclaim deeds. An appropriate order will be entered in the pending lawsuit to bind the Plaintiffs to the described settlement.

Staff recommends settlement of this case on the terms stated above subject to approval of the Department of Pollution Control and the U. S. Army Corps of Engineers.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone, the staff recommendation was accepted as the action of the Trustees.

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The Trustees deferred until the end of this meeting consideration of the Rainbow River in Marion County.

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PALM BEACH COUNTY - Seismic Survey Permit
(August 10, 1973)

APPLICANT: Shell Oil Company, P. O. Box 1411, Arcadia, Florida

REQUEST: Permission to conduct a seismic survey across state-owned land.

LOCATION: A line running across Sections 5 and 7, Township 47 South, Range 35 East, Sections 32, 33 and 34, Township 46 South, Range 35 East, Sections 6, 7, 18, 19, 30 and 31, Township 47 South, Range 36 East, Palm Beach County.

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The Game and Fresh Water Fish Commission has reviewed this request and advises that as these sections are within the Everglades Wildlife Management Area, there is no objection to the survey provided that certain basic protective measures used in a similar survey on the Corbett Wildlife Management Area are followed. These special conditions are as follows:

1. To fill and tamp all shot holes.
2. That clearing of vegetation will be restricted to the immediate vicinity of the seismic line and shot holes.
3. That no trees shall be cut or clearing of any kind permitted without prior approval from the Commission.
4. That any clearings which are approved must be seeded and fertilized following the seismograph work.
5. To notify the Commission within 7 days prior to initiating any seismograph work in the game management area and upon completion of the seismograph work notify the Commission that the operation has terminated.
6. That no seismograph work will be performed on the game management area during any open hunting season.
7. To indemnify and hold the Commission harmless of any liability or loss resulting from the seismograph operations under this permit.
8. That all phases of the seismograph operation will be performed in accordance with proper safety practices, and in such a manner as will preserve the terrain and other natural habitat within the management area.

The Central and Southern Florida Flood Control District has no objection to the survey.

The Department of Natural Resources has no objection to the survey provided all holes drilled are closed by the placing of a cone at least four feet below the land surface with the earth tamped into position above the cone.

Recommend granting Shell Oil Company permission to conduct its survey across these state lands subject to the conditions set forth above.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees granted permission to Shell Oil Company to conduct a seismic survey on the requested lands subject to the above listed conditions.

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LEE COUNTY - Dredge Permit No. 36-20-0189
(Revised June 25, 1973)

APPLICANT: Punta Gorda Isles, Inc., c/o Scott G. Stepp, P. E.
1625 West Marion Avenue, Punta Gorda, Florida 33950

PROJECT: To remove an earthen plug which separates an upland canal and marina from an existing channel in the open water of Charlotte Harbor.

LOCATION: Section 1, Township 43 South, Range 22 East, Lee County, approximately 2 miles from Aquatic Preserve G-12.

MATERIAL: Plug excavation is estimated to be 4,500 cubic yards. Spoil will be used for upland landfill.

PAYMENT: \$4,500

ECOLOGICAL RESPONSES: Department of Natural Resources - Bureau of Beaches and Shores: Since the Burnt Store Marina was not open during the study, measurements were made in an existing waterway (Pirate Harbor) in the same general vicinity of Charlotte Harbor. Salinity measurements taken in Pirate Harbor showed a very distinct stratified condition in the waterway. The report indicates that stratification will not be as severe a problem in Burnt Store

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Landing as in Pirate Harbor. It appears, however, that some stratification should be expected and to minimize this condition, the depth of the marina should be kept to the minimum required for navigation. The flushing times are based on optimum wind and tidal exchange assumptions and appear to reflect the most favorable circulation conditions that can be reasonably expected.

Survey and Management - The proposed dredging (with a dragline) to connect a canal to the existing channel at Burnt Store Landing should not have significant adverse effects on marine biological resources provided that upland areas are stabilized and water quality can be maintained so that damage will not occur to the grass flats in Charlotte Harbor. A canal shown on the attached sketch will cut through a small area of red mangroves and some clearing in this area has already occurred.

Game and Fresh Water Fish Commission - This agency offers no objection to the issuance of this permit.

Department of Pollution Control - This department will issue certification as stipulated in the Permit Agreement entered into on June 19, 1973, between the Department of Pollution Control and Punta Gorda Isles, Inc. These certificates were issued September 18, 1973.

Staff recommends issuance of dredge permit No. 36-20-0189 in accordance with the permit agreement between Punta Gorda Isles, Inc. and the State of Florida Department of Pollution Control dated June 19, 1973, subject to payment of ad valorem taxes which may accrue prior to the vesting of title in the Trustees to lands as specified in the agreement.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the staff recommendations were accepted as the action of the Trustees.

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CHARLOTTE COUNTY - Dredge Permit No. 08-20-0191
(Revised June 25, 1973)

APPLICANT: Punta Gorda Isles, Inc., c/o Scott G. Stepp, P. E.
1625 West Marion Avenue, Punta Gorda, Florida 33950

PROJECT: To construct a lock on the south bank of the North
Branch of Alligator Creek.

LOCATION: Section 19, Township 41 South, Range 23 East, Charlotte
County, approximately 5 miles from Aquatic Preserve G-11.

MATERIAL: Approximately 4,000 cubic yards to be used for upland fill.

PAYMENT: \$4,000

ECOLOGICAL RESPONSES: Department of Natural Resources - Survey and Management: (1) The applicant has agreed to relocate the proposed lock upstream to better conserve red mangroves. (2) The applicant will apparently conserve an eagle's nest and an adjoining tidal marsh along the south branch of Alligator Creek. A boundary line for the preserve area has not yet been designated. (3) The applicant has expressed willingness to remove spoil banks and restore bottoms in and adjacent to a small tidal creek along the south branch of Alligator Creek. (4) The applicant states that development would be located 50 feet behind mean high water and that adjustments will be made where drawings indicate this would not be the case.

The applicant has made several revisions in the application to better conserve marine life and wildlife; however, the proposed development of tidal marsh and mangroves landward of the designated line of mean high water is not in the best interests of conserving marine biological resources. (See our report dated August 28, 1973.)

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Game and Fresh Water Fish Commission - This agency concurs with the agreement entered into between the Department of Pollution Control and Punta Gorda Isles, Inc., with certain lands to be conveyed to the State of Florida Board of Trustees of the Internal Improvement Trust Fund.

Department of Pollution Control - This department will issue certification as stipulated in the Permit Agreement entered into on June 19, 1973, between the Department of Pollution Control and Punta Gorda Isles, Inc. These certificates were issued September 18, 1973.

Staff recommends issuance of Dredge Permit No. 08-20-0191 in accordance with the permit agreement between the Punta Gorda Isles, Inc., and the State of Florida Department of Pollution Control dated June 19, 1973, subject to payment of ad valorem taxes which may accrue prior to the vesting of title in the Trustees to lands as specified in the aforementioned agreement. The deed conveying title to the Trustees will be held in escrow for delivery upon compliance with all of the conditions of the permit and the agreement with the Department of Pollution Control. The Secretary of State was selected by the applicant as escrow agent in which selection the staff recommends concurrence by the Trustees.

ACTION OF THE TRUSTEES:

Mr. Kuperberg pointed out that in the Punta Gorda Isles settlement some thousand acres of land are coming to the State of Florida and that six additional acres of marsh are included as a result of negotiations by Mr. Christian's staff.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendations were accepted as the action of the Trustees.

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MONROE COUNTY

This matter was deferred on September 18, 1973.

APPLICANT: Tropical Isles, Inc., c/o A. M. Adams
P. O. Box 1702, Key West, Florida 33040

This item is placed on the agenda at the request of attorney for the applicant, David Paul Horan, 505 Whitehead Street, Key West, Florida 33040.

NATURE OF APPLICANT'S REQUEST:

In February of 1970, the applicant requested permission to dredge state-owned bottoms and submitted a check in the amount of \$2,120 for advance payment of the material to be dredged. This payment was at the then current rate of \$0.10 a yard. The Trustees approved the application but because of other agency objections, the Trustees' permit expired before the dredging was accomplished.

On May 15, 1973, the Trustees denied the applicant's request for an extension of its permit (File No. 253.03-178).

The applicant wishes a refund. The question he has raised is, at what rate this refund should be made, i.e., \$0.10 a yard charged at that time, or \$1.50 a yard presently charged by the Trustees?

STAFF RECOMMENDATION:

The legal staff of the Trustees is of the opinion that the advance payment of \$2,120 did not purchase the fill material on behalf of the applicant. Real property only becomes personal property when it is severed from the realty. Pettigrew v. W. H. Development Company, 122 So. 2D 813 (1960). The advance payment by the applicant was more in the nature of a performance bond than purchase and sale

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of the fill material. Since the applicant cannot presently remove the fill material from the state bottoms, only the advance payment should be returned to him, with interest at the legal rate of 6% per annum.

ACTION OF THE TRUSTEES:

Mr. Stone made a motion to approve the staff recommendation to refund the ten cents per cubic yard plus interest at the legal rate of 6% per annum.

The Governor commented that the members had received some information from the applicant and staff since the last meeting, and Mr. Shevin recalled that the applicant had been asked to furnish information as to the actual cost of blasting and moving the material.

That information did not appear to be available, Mr. David Paul Horan, applicant's attorney, explaining that the Tropical Isles records had been transferred several times subsequent to the purchase of the 25 acres of state-owned bay bottoms. He recounted portions of records, letters and minutes pertaining to what had transpired over several years to bear out the applicant's request for payment of dredging costs of at least ninety cents per cubic yard and repayment of the 10¢ per cubic yard he said had been paid for the material. He had submitted an affidavit from Mr. Douglas R. Gaines showing that the usual cost for blasting, excavating and stockpiling of that material was not less than 95 cents per cubic yard.

The Comptroller indicated that in considering the equities he had expected some evidence to be furnished of the dredging costs claimed by Tropical Isles. The Governor pointed out that certain statements referred to by Mr. Horan had been made under the assumption that there was no question that title to the material had passed, that the dredging had been done primarily to improve the channel for use of Tropical Isles and he did not see that the state was obligated to do more than return the amount paid plus interest.

Mr. Shevin called attention to the lapse of approximately two years between issuance of the permit in 1970 and imposition of the Department of Pollution Control moratorium in 1972 - two years when Tropical Isles might have removed the material under permit. Mr. Horan responded by citing reasons for delay of removal of the material, including the moratorium in Monroe County and his client's application for a water quality certificate having been held up by the Department of Pollution Control. The Director then said that Tropical Isles did not apply to the Corps of Engineers for the necessary permit for about a year after issuance of the after-the-fact permit.

Mr. Shevin seconded the motion made by Mr. Stone at the beginning of this discussion, to refund the ten cents per cubic yard plus legal interest.

Mr. Conner questioned the words "performance bond" in the agenda item prepared by the Trustees' chief counsel, Mr. Ken Oertel. Mr. Ross McVoy of the legal staff stated that the \$2,120 payment was considered a penalty for the illegal act of dredging and a bond that the firm would remove the material.

Mr. Conner proposed an amended motion to strike the ten cents, which failed for lack of a second.

On the original motion to return the ten cents per cubic yard payment plus interest at the legal rate of 6% per annum, the vote was five to one in favor, with the Governor voting with the majority and Mr. Conner voting in the negative.

The Attorney General recommended that, in the event Tropical Isles, Inc., enters suit, the staff should sue for restoration of the damaged area.

Motion was made by Mr. Dickinson, seconded by Mr. Stone and passed, to waive the rules for consideration of the next two items added to the original printed agenda.

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DADE COUNTY - Land Exchange

This is placed on the agenda as an addendum at the request of the Commissioner of Education.

APPLICANT: District Court of Appeals
Third District, Miami, Florida

REQUEST: Exchange of 1½ acres of state land under control of Board of Regents for the use and benefit of Florida International University for a 3-acre parcel of land held by Dade County for site of the new Third District Court of Appeal court building.

LOCATION: The 1½ acres is a parcel 1025 feet by 64 feet located in the SE¼ of Section 7, Township 54 South, Range 40 East, on the south boundary line of the Florida International University campus and adjacent to Dade County's Tamiami Regional Park.

The 3 acres is in the NW corner of the Tamiami Regional Park, adjacent to the Florida International University campus in the SW¼ of Section 7, Township 54 South, Range 40 East, Dade County.

The Board of County Commissioners of Dade County by resolution adopted on February 27, 1973, approved deeding the 3 acres to the state for construction of the new court building subject to the county's receiving the 1½-acre parcel of land for development of additional multipurpose recreational facilities in or near the park.

The Facilities Committee of the Board of Regents on March 16, 1973, approved the release of this 1½ acre parcel of Florida International University land for exchange with the 3 acres Dade County is offering for the court building site.

Staff appraiser has appraised the two parcels and finds that the present market value of the 1½ acre parcel of land is \$30,000 and the present market value of the 3-acre parcel is \$85,000.

The 1½-acre parcel does not have public access and is encumbered with an easement for underground electrical distribution lines while the 3-acre parcel has 350 feet of public road frontage (117th Avenue).

Recommend exchange of these two parcels between the Board of Trustees and Dade County.

ACTION OF THE TRUSTEES:

Mr. Kuperberg requested correction of "3 feet" to "350 feet" in the last line of the agenda item preceding the recommendation sentence.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the application as amended was approved and the Trustees authorized exchange of these two parcels between the Board of Trustees and Dade County.

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DADE COUNTY - Fill Permit No. 13-10-0959
(June 8, 1973)

This item is placed on the agenda as an addendum at the request of the office of the Governor.

APPLICANT: Southeastern Florida Properties, Inc.
1700 Collins Avenue, Miami, Florida

PROJECT: To fill the north shore of a deadend finger canal and construct a riprap seawall for the development of multiple family project adjacent to State Road 826.

LOCATION: Sections 11 and 14, Township 52 South, Range 42 East, Casino Canal, Dade County.

October 2, 1973

MATERIAL: 100,000 cubic yards to be obtained from uplands.

ECOLOGICAL RESPONSES: Shown on the agenda were extensive quotations from comments made by the Department of Natural Resources, Survey and Management and Bureau of Beaches and Shores, the Game and Fresh Water Fish Commission and the Department of Pollution Control. Except for the latter, the environmental agencies made adverse comments and recommendations for modification. However, it was brought out in the discussion on this date that these comments and recommendations were addressed to the project prior to its modification and without considering its relation to the Department of Transportation road-widening project that would involve filling the other portion of the deadend canal.

OTHERS: State of Florida Department of Transportation: Insofar as the applicant plans to fill and riprap a portion of Casino Canal adjacent to our proposed improvement of State Road 826 (Sunny Isles Boulevard) in Dade County, we find that the applicant's proposal is compatible and in full coordination with this Department's plans.

Staff recommends issuance of fill permit 13-10-0959, conditioned upon commitment from Southeastern Florida Properties, Inc., acting through its Board of Directors and officers, to cooperate with the Department of Transportation in the implementation of a coordinated plan for the drainage of storm water from the premises of Southeastern Florida Properties, Inc., and from the adjoining project of the Department of Transportation. Such plan shall be based upon engineering standards and procedures developed by the Department of Transportation and shall meet with the approval of the Trustees. Turbidity curtains are to be used during filling operation.

ACTION OF THE TRUSTEES:

The Director explained that most of the stipulations by the environmental agencies were not relevant now, having been made for the application to fill one side of the canal without considering the Department of Transportation project that would close up the other side of the canal. Mr. Tom Savage of the Department of Natural Resources at the September 14 conference had indicated verbally that the great public need for the road would overwhelm biological values but the Florida Game and Fresh Water Fish Commission maintained that no wet land should be filled.

Motion was made by Mr. Dickinson, seconded by Mr. Christian, to approve the application for the ultimate good that would result.

Former Governor LeRoy Collins, attorney for the applicant, pointed out on a large map prepared by the Department of Transportation the submerged land owned by his client and proposed to be filled without dredging, pointed out AlA (Collins Avenue) and Sunny Isles Boulevard, the latter to have additional traffic lanes added to meet requirements of the Bicentennial Celebration and Interama. He spoke of detailed study and favorable endorsements by Dade County governmental and environmental agencies, conferences and detailed study by state agencies, approval by the Trustees' staff and a written commitment by his client to work with the Department of Transportation for a plan for surface drainage subject to approval of Department of Transportation and the Trustees.

Mr. Shevin, assured that most of the environmental comments did not apply now that the Department of Transportation project would fill the other side of the canal, did not question the public benefit from the road project but did question whether the private owner should fill submerged land, pointing out that the Trustees had denied many fill permits for land sold by Trustees in earlier years. Mr. Shevin said late receipt of the addendum was a real problem, and Mr. Stone expressed his need for time to review the application and concern that the Game and Fresh Water Fish Commission did not approve the project.

Governor Askew suggested approval contingent upon the Department of Transportation going forward with its road project and obtaining updated environmental impact statements.

Mr. Stone made a substitute motion to defer for two weeks, seconded by Mr. Dickinson and passed without objection. The

Governor stated that the Department of Natural Resources, in particular, should be given an opportunity to react to the proposed filling based upon its interrelation with the road project.

Attorney General Shevin commented for the record on one major lawsuit, Coastal Petroleum Company vs. Secretary of the Army of the United States, et al, that the Trustees are involved in and had retained Beckham and McAliley as special counsel for the Trustees because of their confidence in that firm. The suit involved drilling and mineral rights in Lake Okeechobee and other areas of Florida.

Mr. Shevin said any settlement negotiations between Coastal Petroleum and the Trustees would be handled by Beckham and McAliley and that firm would bring those settlement negotiations to the Trustees for approval.

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MARION COUNTY - Rainbow River (Blue Run)

The Executive Director reported that the staff by scientific methods had established the ordinary high water mark of the Rainbow River, Southwest Florida Water Management District had prepared delineations of the 25-year flood plain and the 100-year flood plain, and all three delineations were shown by lines on a large map exhibited at this meeting.

Attorney General Shevin commended the staff for the scientific work to determine the ordinary high water mark and the Marion County Commission for having requested this information upon which to make a determination of what the county should do to protect the river. He made a motion, seconded by Mr. Dickinson, to adopt a resolution drafted by Mr. Baya Harrison, Jr., and the Trustees' staff as follows:

RESOLUTION REGARDING THE PRESERVATION OF THE RAINBOW RIVER

WHEREAS, the Rainbow River, located principally in scenic Marion County, is described by scientists as one of the 17 remaining first magnitude springfed rivers in Florida, and is one of the most beautiful of its kind in the United States; and

WHEREAS, preliminary scientific data demonstrates that the Rainbow River and its associated ecosystems have been severely harmed, in part, by development along its banks and heavy motorboat traffic; and

WHEREAS, the Marion County Commission has acted in the public interest to preserve the Rainbow River by (1) imposing a temporary moratorium on building, (2) enacting an emergency ordinance temporarily prohibiting the destruction of vegetation within 500 feet of the river on both the east and west banks thereof and (3) requesting scientific data and recommendations from the State of Florida regarding the delineation of the ordinary high water mark and extent and quality of the flood prone areas associated therewith; and

WHEREAS, the Board of Trustees of the Internal Improvement Trust Fund staff has delineated the ordinary high water mark and the Southwest Florida Water Management District staff and Withlacoochee Basin Board have presented their findings and recommendation concerning the extent and quality of the various flood plains within the Rainbow River ecosystem pursuant to our resolution of June 19, 1973; and

WHEREAS, this board has been advised of the significant damage to the river bottom caused by excessive motorboat traffic and horsepower;

NOW, THEREFORE, BE IT RESOLVED

The findings and recommendations of the Southwest Florida Water Management District (attached hereto as exhibits A and composite B) are confirmed and approved.

The Governor and Cabinet, as the Board of Trustees of the Internal Improvement Trust Fund, recommend to the Marion County Commission the following:

1. Enactment of additional zoning laws sufficient to prevent destruction of the flood plain in poorly drained areas near the river, as outlined by Donald R. Feaster, Executive Director, Southwest Florida Water Management District (exhibit A), and as delineated by his staff on the maps attached hereto (composite exhibit B).

2. Enact zoning ordinances sufficient to prevent clearing, construction and land filling on land flooded by the 25 year flood.

3. Require that land lying between the 25-year and the 100-year flood (when outside a poorly drained area) be used for construction only where floor levels are above the 100-year flood.

4. Consider the findings of the staff of the Board of Trustees of the Internal Improvement Trust Fund with regard to further zoning ordinances.

5. Adopt a low horsepower boat ordinance on the Rainbow River so that damage to the river bottom and wild-life can be significantly curtailed.

6. Continue the present moratorium until sufficient protective zoning is enacted by the Marion County Commission.

7. Notification from the Marion County Commission of what action it has taken with respect to the above mentioned recommendations within 120 days. The Executive Director of the Board of Trustees of the Internal Improvement Trust Fund is requested to do likewise.

Mr. Harrison discussed Marion County Commission's enactment of county-wide zoning, need for additional protection of flood plains along this river of great importance as a water resource as well as aesthetically valuable, and the county's temporary emergency moratorium pending scientific work to develop the delineations shown on the map today. He commended Mr. Don Feaster and the staff of Southwest Florida Water Management District for the delineation of the flood plains and for recommendations that were essentially those in the resolution read by Mr. Shevin. Mr. Harrison stated that the resolution contained scientific recommendations provided by biologists, Environmental Protection Agency, Department of the Interior, Game and Fresh Water Fish Commission and other responsible state and local agencies, and it would be for the Marion County Commission to decide whether it wished to accept all of the recommendations.

Mr. Harrison asked the Trustees to adopt the recommendations in the form of the resolution. He said all of the information would be provided to Marion County Commission and at its meeting on October 9 those who had been working on this matter would help in the development of a plan to protect Rainbow River.

Mr. Willard Ayres, County Attorney appearing on behalf of the Board of County Commissioners of Marion County, said the county and local interests had not been apprised of the recommendations until today and had not had an opportunity for any input into the recommendations, all of which he said were not in the report of Southwest Florida Water Management District. He asked that some of the recommendations not be adopted, suggested need for further investigation and appro-


priate regulation by the county, and asked for deferral and that the map and recommendations be presented to the County Commission which would forward to the Trustees properly what it proposed as final action to protect the river.

The Governor noted that the District Governing Board of Southwest Florida Water Management District had not officially reacted to the recommendations and did not meet until October 10, 1973.

Secretary of State Stone made a substitute motion that the Trustees adopt the flood plain study and the work product embodied therein and transmit it officially to the Board of County Commissioners of Marion County for analysis of it and the material in the proposed resolution; also, that this matter be placed on the agenda in two weeks with the official response of the Water Management District.

Mr. Christian seconded the substitute motion that was passed without objection.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST: 
EXECUTIVE DIRECTOR
* * * * *

RESOLUTION

WHEREAS, Bonnie Shelfer began her long career of service as a land clerk to the State of Florida on March 13, 1946 and now is in the Land Records Division of the Board of Trustees of the Internal Improvement Trust Fund, and

WHEREAS, she has served in various capacities as the organization of state government and the staff of the Board of the Trustees of the Internal Improvement Trust Fund has changed, and

WHEREAS, she has served the people of the State of Florida with loyalty and devotion to duty in each position she has filled, and

WHEREAS, she has furnished attorneys, abstractors, title companies and the general public with land title information obtained from land records, and

WHEREAS, her responsibilities have included the issuance and maintenance of oil and gas leases for the State of Florida;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Internal Improvement Trust Fund, in recognition of her outstanding service to the State of Florida and to the Board of Trustees, does extend to her its official appreciation for the competence, dedication and loyalty that have characterized her in her many years of service.

BE IT FURTHER RESOLVED that the members of the Board of Trustees of the Internal Improvement Trust Fund extend to her their best wishes for the years ahead.

IN WITNESS WHEREOF, we place our hands and seals
this 2nd day of October, A.D., 1973.

(SEAL)
Board of Trustees of the
Internal Improvement
Trust Fund

REUBIN O'D. ASKEW
GOVERNOR

RICHARD (DICK) STONE
SECRETARY OF STATE

ROBERT L. SHEVIN
ATTORNEY GENERAL

FRED O. DICKINSON, JR.
COMPTROLLER

THOMAS D. O'MALLEY
TREASURER

FLOYD T. CHRISTIAN
COMMISSIONER OF EDUCATION

DOYLE CONNER
COMMISSIONER OF AGRICULTURE

October 2, 1973

Tallahassee, Florida
October 16, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg	Executive Director
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Attorney General Shevin stated that at the last meeting on October 2 the Trustees had considered a resolution on the Rainbow River in Marion County and deferred action. He added that it would not be necessary to consider adoption of the resolution at this time because the Board of County Commissioners had enacted a zoning ordinance including most of the recommendations proposed in the resolution to limit development and protect the river.

Mr. Shevin commended the Marion County Commission and the Trustees' staff as a great example of all agencies working together to bring some real relief to Rainbow River.

Governor Askew on behalf of the Board particularly commended the Board of County Commissioners of Marion County for leadership in this matter.

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The minutes of the meeting of September 18, 1973, were approved as submitted.

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FRANKLIN, GULF AND WAKULLA COUNTIES - Geophysical Survey
(September 10 and 18, 1973)

APPLICANT: Geophysical Service, Inc.
New Orleans, Louisiana

REQUEST: Permission to conduct a seismic survey using air gun method without use of explosives.

LOCATION: Submerged lands of Apalachicola Bay, St. George Sound, Apalachee Bay and Gulf of Mexico.

The Game and Fresh Water Fish Commission, Department of Pollution Control and Division of Interior Resources, Department of Natural Resources, have reviewed this request and offer no objections to the project.

Recommend granting to Geophysical Service, Inc., permission to conduct the survey.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Board granted permission for the geophysical survey.

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ORANGE COUNTY - Application for Sale of Land
File No. 2466-48-253.36

The application of Edwin T. Gettins for purchase of a parcel of reclaimed Lake Conway bottom land in Section 18, Township

October 16, 1973

23 South, Range 30 East, Orange County, was withdrawn from the agenda.

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DADE COUNTY - Marina License & Construction Permit No. 13-30-1044
(June 22, 1973)

APPLICANT: Indian Creek Country Club
Indian Creek Village
50 Indian Creek Island, Miami Beach, Florida 33154

PROJECT: To construct docking facilities covering 20,648 square feet of sovereignty land.

LOCATION: Section 34, Township 52 South, Range 42 East, Biscayne Bay, Dade County.

MATERIAL: Not applicable.

PAYMENT: \$412.96 annual fee

STAFF REMARKS: Field Operations Division recommends approval of the proposed project.

ECOLOGICAL RESPONSES: Department of Natural Resources - The applicant proposes to construct a concrete wharf and install timber mooring piles in Biscayne Bay near the southwest corner of Indian Creek Golf Club Island. The wharf would connect to an existing vertical concrete seawall.

Bottoms in the subject area vary from unvegetated dark grey mud to grey mud and shell fragments vegetated by Cuban shoalweed and Halophila. Severe weather conditions precluded extensive observations on the bottom and nearshore areas.

Construction of the wharf and mooring piles should have limited adverse effects on marine biological resources. However, prop-wash from large boats during docking procedures may be detrimental to the grass in the future.

A hydrographic evaluation of this project by Mr. D. T. Tackney, Engineer with our Bureau of Beaches and Shores, is as follows: "A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects."

Game and Fresh Water Fish Commission - In an effort to help streamline permitting procedures between the Game and Fresh Water Fish Commission, the Department of Natural Resources, and the Trustees of the Internal Improvement Trust Fund, we are deferring our comments on the above referenced project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control has no objection to the proposed project. It is understood that there will be no live-aboards, no overnight moorings and no fuel or oil handled on the dock. Certification will be issued pending notification of Cabinet approval.

Staff recommends issuance of Marina License and Construction Permit subject to the stipulations of the Department of Pollution Control.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, issuance of the marina license and permit was approved as recommended by the staff.

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PINELLAS COUNTY - Marina License & Construction Permit 52-30-0572
(August 10, 1973)

October 16, 1973

APPLICANT: H. F. Hallock
245 - 104 Avenue, Treasure Island, Florida 33706

PROJECT: To construct a dock 10 feet by 26 feet covering 2,640 square feet of submerged land.

LOCATION: Section 14, Township 31 South, Range 15 East, Boca Ciega Bay, Pinellas County, in Aquatic Preserve G-10.

MATERIAL: Not applicable.

PAYMENT: \$100 minimum annual fee.

STAFF REMARKS: Field Operations Division comments that the dock has been constructed and conforms to the plans.

ECOLOGICAL RESPONSES: Department of Natural Resources - Survey and Management: The proposed dock construction should have no adverse effects upon marine resources.

Bureau of Beach and Shores: It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission has no objection to the project.

Department of Pollution Control - Certification will not be required for the project.

Staff recommends that the construction permit and marina license be issued.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, issuance of the marina license and permit was approved.

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BREVARD COUNTY - Dredge Permit No. 05-21-0413
(Revised May 21, 1973)

APPLICANT: Country River Estate, Inc.
Rt. 2, Box 860, Merritt Island, Florida 32952

PROJECT: To perform maintenance dredging in an existing channel 50 feet wide, 4 feet deep, 900 feet long. Dredge Permit No. 253.123-303 for this project expired June 17, 1972.

LOCATION: Section 3 and 34, Township 23 South, Range 36 East, Indian River, Brevard County.

MATERIAL: 3,600 cubic yards of dredged material to be deposited in diked spoil area on uplands.

PAYMENT: \$3,600 received as payment for 3,600 cubic yards at \$1 per cubic yard.

STAFF REMARKS: Field Operations Division recommends that the revised project be approved.

ECOLOGICAL RESPONSES: Department of Natural Resources - March 16, 1973 - The proposed spoil area is vegetated predominantly by cord grass and some white mangroves. This vegetation helps stabilize the shoreline, and the dead leaves provide nutrients for various aquatic food chains. The proposed maintenance dredging should have only limited adverse effects on biological resources in the Indian River provided siltation is controlled. The spoil area should be diked no lower than at the edge of the Australian pine woods to protect the adjacent vegetated tidal flats. June 20, 1973 - Construction of the proposed dike at the approximate edge of the Australian pines complies with the recommendations of March 16, 1973.

October 16, 1973

Game and Fresh Water Fish Commission has no objection to the project.

Department of Pollution Control has no objection to the project, but the drawings submitted do not clearly represent actual conditions. The spoil area dike will be placed upland of the marsh and mangrove area.

OTHERS: Brevard County Board of County Commissioners approved the dredging of a navigational channel in the Indian River on February 1, 1973.

Staff recommends issuance of Dredge Permit No. 05-21-0413 subject to the stipulations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, issuance of the dredge permit was approved as recommended by the staff.

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BREVARD COUNTY - Dredge Permit No. 05-39-0807
(Revised September 28, 1973)

APPLICANT: Jack Taylor Development Corporation
941 Northeast 79 Street, Miami, Florida 33138

PROJECT: To dredge two marinas, construct bulkheads and docks to connect to an existing artificial waterway and two interior lakes to be dredged for fill material.

LOCATION: Section 22, Township 26 South, Range 37 East, Grand Canal and Banana River, Brevard County. Project is immediately adjacent to the Banana River Aquatic Preserve.

MATERIAL: 10,000 cubic yards to be dredged from privately owned lands.

PAYMENT: Not applicable; state-owned lands not involved.

ECOLOGICAL RESPONSES: Department of Natural Resources - The revised plans provided by the applicant incorporate the suggestions made by this office and meet with its approval.

Game and Fresh Water Fish Commission - Comments deferred to Department of Natural Resources.

Department of Pollution Control - Our letter of August 28, 1973, denied certification for the subject project based on the connection of two long canals to an existing canal system. The effect that this additional waterfrontage would have on local water quality was considered. It was determined that local water quality would be degraded.

Since that time revised drawings have been received deleting the long canals and substituting two moderately sized marina basins. Two interior lakes will be constructed and all drainage will be routed away from the marina basins.

Based on this revision it is the position of this Department that our letter of denial is rescinded and by copy of this letter we are advising the affected agencies that this Department has no objections to the revised project. Certification will be issued pending notification of approval by the Trustees.

Staff recommends that the dredge permit be issued.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, issuance of the dredge permit was approved.

October 16, 1973

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BROWARD COUNTY - Construction & Dredge Permit No. 06-22-0650
(Revised October 2, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida 32304

PROJECT: To dredge for installation of 3 storm drainage outfalls into existing canals in order to handle the increased run-off that will come as a result of widening of U.S. 1.

LOCATION: Section 15, Township 49 South, Range 42 East, Broward County.

MATERIAL: 50 cubic yards to be excavated in the three projects.

PAYMENT: Not applicable; material is not state-owned.

ECOLOGICAL RESPONSES: Department of Natural Resources - The staff of this office has reviewed the subject plans and appreciates the opportunity to participate in the discussions concerning modifying urban runoff impact upon marine resources.

The design is a substantial first step toward future control of an important environmental problem. We do not expect that this will control all, or even most, kinds of pollutants which this highway can be expected to generate. More particularly, we hope that proper maintenance of the traps has been provided for, thus insuring that these structures can meet anticipated demands.

These structures should be treated as pilot, and demonstration, projects of which D.O.T. may be proud. Their success will be justification for full-scale research and development effects on D.O.T.'s part.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed the revised proposal referenced above and offers the following comments.

The construction of the proposed sediment trap as indicated in the August 2, 1973, meeting will eliminate much of the particulate matter from flowing into the canal systems. However, this approach will not delete the large quantities of dissolved pollutants that will flow through the sediment basins. In our opinion, dissolved materials, fertilizers, pesticides, etc., from urban runoff, seriously degrade the receiving bodies of water. We, therefore, encourage the development and implementation of measures to prevent these substances from entering public waters.

Department of Pollution Control - In any event this Department offers no objection to the proposed revision and certification will be issued pending notification of Cabinet approval.

OTHERS: The permit was deferred at the request of the staff in order to try to work out a mutually satisfactory solution of the problems on the cabinet meeting of May 15, 1973 (item #5 on that date).

Staff recommends issuance of the construction and dredge permit subject to provisions for maintenance of the sediment traps.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees approved the construction and dredge permit subject to the provisions for maintenance of sediment traps.

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BROWARD COUNTY - Construction Permit No. 06-22-1113
(July 17, 1973)

APPLICANT: River Manor Inc.
3000 NE 5 Terrace, Wilton Manor, Florida 33308

October 16, 1973

PROJECT: To install three culvert storm outfalls in an existing bulkhead.

LOCATION: Section 27, Township 49 South, Range 42 East, North Fork of Middle River, Broward County.

PAYMENT: Not applicable; state-owned lands not involved.

ECOLOGICAL RESPONSES: Department of Natural Resources - The applicant proposes to install three 21-inch diameter storm drains with catch basins to drain into the North Fork of the Middle River just west of Northeast Sixth Avenue in Wilton Manor.

The shoreline of the subject area has been previously bulkheaded with a vertical concrete wall. The bottom at the sites of the two eastern-most drains consists of fairly coarse sand and shell fragments. The bottom in the area of the western-most drain has a higher percentage of fines. (The river curves in this area, and it appears that a sandbar is building in the area of the middle drain.)

This project should have only limited direct adverse effects on marine biological resources if siltation is adequately controlled during the installation. The impact of secondary adverse effects caused by storm water runoff will be dependent on the effectiveness of the catch basins.

A hydrographic evaluation of this project by Mr. D. T. Tackney, Engineer with our Bureau of Beaches and Shores, is as follows: "A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects."

Game and Fresh Water Fish Commission - In an effort to help streamline permitting procedures between the Game and Fresh Water Fish Commission, the Department of Pollution Control, and the Trustees of the Internal Improvement Trust Fund, we are deferring our comments on the above referenced project to the Bureau of Permitting of the Department of Pollution Control.

Department of Pollution Control has no objection to the proposed project. Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

OTHERS: Central and Southern Florida Flood Control District Permit No. 5041 issued on April 3, 1973.

Staff recommends that the construction permit be issued subject to the stipulation of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees approved the construction permit subject to the recommended stipulations.

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MONROE COUNTY - Dredge Permit No. 44-39-1240
(August 3, 1973)

APPLICANT: Louis J. Drakos, c/o Lawrence E. Albritton
P. O. Box 938, Marathon, Florida 33050

PROJECT: To dredge a canal and boat basin to -6 feet mean low water and place culvert in the canal for flushing of the system.

LOCATION: Section 15, Township 66 South, Range 32 East, Lagode Salida Del Sol, Monroe County.

MATERIAL: 29,000 cubic yards to be deposited on uplands.

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PAYMENT: Not applicable; state-owned lands not involved.

ECOLOGICAL RESPONSES: Department of Natural Resources - Survey and Management: This project should have only limited direct adverse effects on marine biological resources if measures are taken to prevent siltation of the adjacent waters. The application does not show any proposed method of stabilization for either interior or exterior shorelines. Such unvegetated, unstabilizing marl shorelines contribute suspended fines to the water column.

Bureau of Beaches and Shores: Applicant should limit channel depth to -5 feet mean low water.

Game and Fresh Water Fish Commission - Deferred to the Department of Pollution Control.

Department of Pollution Control is concerned with the proposed depth of the project. The depth should be limited to -6 feet.

OTHERS: Letter from the applicant agrees to stipulations of the Department of Pollution Control.

Staff recommends that the dredge permit be issued subject to the stipulations of the Department of Pollution Control and use of turbidity screens during excavation.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the dredge permit subject to the provisions recommended by the staff.

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MONROE COUNTY - Dredge & Fill & Construction Permit 44-39-1267
(July 13, 1973)

APPLICANT: Richard L. Brenner
600 Brickell Avenue, Miami, Florida 33131

PROJECT: To install 225 feet of vertical concrete seawall and backfill by dredging material from the waterward side of the seawall. The project is located on a dead-end canal immediately to the east of Tenth Street, Key Colony East.

LOCATION: Sections 5 and 9, Township 66 South, Range 33 East, Monroe County.

MATERIAL: Not applicable; the canal is in private ownership.

PAYMENT: Not applicable; no state-owned lands involved.

ECOLOGICAL RESPONSES: Department of Natural Resources - If it is possible to install the seawall in the unvegetated shelf without disturbing the vegetated slope, there should be only limited adverse effects on marine habitat. This stipulation would preclude any dredging seaward of the extension of the waterward limit of the ditch. The canal bank exemplifies the superiority of a sloping side over a vertical side as a substrate for natural revegetation.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - Certification will not be required for the subject project. Any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such waters, as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida. Adequate turbidity control devices are required.

Staff recommends that the dredge, fill and construction permit be issued subject to the stipulation that riprap be installed on the

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waterward facing of the seawall and that turbidity screens will be used during construction.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said that all the modifications were not obtained but a compromise was reached by the stipulation that riprap would be installed on the waterward facing of the seawall. He asked that the staff recommendation be amended by adding "and that turbidity screens will be used during construction."

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the staff recommendation as amended was accepted as the action of the board.

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PALM BEACH COUNTY - Dredge, Fill & Construction Permit 50-39-0385
(Revised June 21, 1973)

APPLICANT: August Urbanek, c/o Foresight, Inc.
Suite 209, 201 North Federal Highway
Deerfield Beach, Florida 33441

PROJECT: To dredge an area of approximately 1,700 square yards to -5 feet mean low water, install 455 feet of seawall with riprap facing on the waterward side, and construct 12 finger piers ranging in length from 19 to 44 feet.

LOCATION: Sections 28 and 33, Township 46 South, Range 43 East, Tract IV, Intracoastal Waterway, Palm Beach County.

MATERIAL: Approximately 3,000 cubic yards of dredged material to be placed on uplands.

PAYMENT: Not applicable; no state-owned lands involved.

STAFF REMARKS: Field Operations Division has no objection to the project, but recommends that the two end slips be deleted to eliminate the pockets.

ECOLOGICAL RESPONSES: Department of Natural Resources - Bureau of Beaches and Shores: This bureau has no objection to the projects and it is improbable that they will have significant adverse hydrographic effects.

Survey and Management: The project may have significant minor adverse effects on marine biological resources for the following reasons: 1) it will form a pocket that could collect decaying organic material, 2) it will eliminate the natural vegetation that separates the Intracoastal Waterway from State Road A1A and the landscaped areas on the east side of A1A; this will allow an unrestricted runoff of pollutants such as petroleum products from A1A and pesticides and fertilizer residues from the landscaped areas, and 3) it will eliminate a small amount of shallow unvegetated land that serves as feeding, spawning, and nursery grounds for many organisms. The use of riprap on the cut slope would afford a protective habitat for marine organisms, help dissipate reflected wave energy, and retard erosion to the base of the proposed seawall.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control has no objection to the proposed projects.

OTHERS: 1. The Town of Highland Beach has no objection provided a local permit is obtained following approval of Federal, State and County agencies.

2. The Board of County Commissioners of Palm Beach County is of the opinion that the project is in the public interest.

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Staff recommends issuance of Dredge, Fill and Construction Permit No. 50-39-0385 subject to the stipulations of the Department of Natural Resources and the Town of Highland Beach.

ACTION OF THE TRUSTEES:

Mr. Kuperberg requested that the staff recommendation be amended by adding "subject to the stipulations of the Department of Natural Resources and the Town of Highland Beach."

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the amended staff recommendation was approved as the action of the Board.

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PALM BEACH COUNTY - Dredge, Fill & Construction Permit 50-31-0386
(Revised June 21, 1973)

APPLICANT: August Urbanek, c/o Foresight, Inc.
Suite 209, 201 North Federal Highway
Deerfield Beach, Florida 33441

PROJECT: To dredge to -5 feet mean low water, install 570 feet of seawall with a marginal wharf, construct 4 finger piers.

LOCATION: Section 33, Township 46 South, Range 43 East, Tract I, Intrascoastal Waterway, Palm Beach County.

MATERIAL: Approximately 2,000 cubic yards of dredged material to be placed on uplands.

PAYMENT: Not applicable; no state-owned lands involved.

STAFF REMARKS: The area is laced with mosquito canals and it is possible that some of it is below the mean high water line. These canals are productive and we would like to see them maintained. Field Operations Division would at least like to see the seawall pulled back to the existing shoreline. Field Operations Division recommends that the permit be denied as proposed.

ECOLOGICAL RESPONSES: Department of Natural Resources - Bureau of Beaches and Shores: This bureau has no objection to the projects and it is improbable that they will have significant adverse hydrographic effects.

Survey and Management: The project should not have massive or widespread adverse effects on marine biological resources. The proposed seawall should approximate the existing shoreline so that it would not form two right angle pockets. In addition, the use of riprap along the cut slope will afford a protective habitat for marine organisms and reduce reflected wave energy.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control has no objection to the proposed project as revised.

OTHERS: 1. The Town of Highland Beach has no objection provided a local permit is obtained following approval of Federal, State and County agencies.

2. The Board of County Commissioners of Palm Beach County is of the opinion that the projects are in the public interest.

3. The applicant agrees to the recommendations.

Staff recommends issuance of Dredge, Fill and Construction Permit No. 50-31-0386 subject to the stipulation of the Town of Highland Beach.

ACTION OF THE TRUSTEES:

Mr. Kuperberg asked that the staff recommendation be amended by adding "subject to the stipulation of the Town of Highland Beach."

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the amended staff recommendation was approved as the action of the Board.

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SUMTER COUNTY - Dredge Permit No. 253.123-1174
(Revised September 6, 1973)

APPLICANT: Richard Halpern, c/o William J. Roberts
P. O. Box 1386, Tallahassee, Florida 32302

PROJECT: To dredge a marina basin and access channel to -5 feet, Lake Panasofkee.

LOCATION: Section 4, Township 20 South, Range 22 East, Lake Panasofkee, Sumter County.

MATERIAL: Approximately 962 cubic yards to be dredged and deposited on uplands.

PAYMENT: \$481.00 received as payment for material removed from state-owned submerged lands.

STAFF REMARKS: According to our local field inspector the proposed revision has met all stipulations set forth in all previous reports. Accordingly, Field Operations has no objections to the project as revised.

ECOLOGICAL RESPONSES: Department of Natural Resources - This office concurs with the findings of the Florida Game and Fresh Water Fish Commission contained in their report of September 18, 1973.

Game and Fresh Water Fish Commission - September 18, 1973: Reference is made to the September 6, 1973 revision of the above referenced permit application.

The applicant has now modified the permit application to comply with our original recommendations and we therefore offer no further objection to this application.

Department of Pollution Control has no objections to the September 6, revision of the proposed project. Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

Staff recommends issuance of Permit Number 253.123-1174 for the project as revised.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved issuance of the permit for the revised project.

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VOLUSIA COUNTY - Dredge Permit No. 64-22-0549
(March 12, 1973)

APPLICANT: Norman N. Miller
280 Wilmette Avenue, Ormond Beach, Florida 32074

PROJECT: To relocate drainage canal, widen and construct seawall of corrugated asbestos.

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LOCATION: Section 40, Township 14 South, Range 32 East,
Strickland Creek, Volusia County.

MATERIAL: 3,500 cubic yards of material to be dredged.

PAYMENT: Not applicable; state-owned lands not involved.

STAFF REMARKS: Our Field Operations Division recommends that the application be denied.

ECOLOGICAL RESPONSES: Department of Natural Resources - The applicant proposes to relocate and widen a drainage canal and construct a seawall around the canal. The proposed width and depth of the canal are 60 feet and 4 feet (mean low water), respectively.

The proposed canal relocation should not have significant adverse effects on aquatic biological resources provided runoff into the canal is controlled. Runoff from streets and lawns contain pollutants that are detrimental to aquatic biological systems and should not be drained into public waters. Sloped rubble riprap along the sides of the canal would provide better habitat for aquatic organisms than would the proposed vertical seawall.

A hydrographic evaluation of this project by Mr. D. T. Tackney, Engineer with our Bureau of Beaches and Shores, is as follows: A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our field biologists have inspected the above referenced application and offer the following comments:

The applicants propose to relocate an existing drainage ditch by converting it into a box-cut, seawalled canal, 60 feet wide, 390 feet long, and 4 feet deep. This canal would connect to Strickland Creek, a navigable tributary of the Tomoka River.

The drainage ditch, better described as a tidal creek, handles the high water overflow from Dingman Lake. Vegetation at the creek mouth includes cord grass, glasswort, and rushes. Blue crabs and mosquito fish were observed in the creek during our inspection.

This project would convert this tidal creek into a dead-end canal, and would have a definite deleterious effect upon the water quality and the fish and wildlife resources of Strickland Creek. These effects have been documented in a number of scientific papers, the most pertinent being the "Report of Investigation of the Environmental Effects of Private Waterfront Canals" which was prepared for the Florida Trustees of the Internal Improvement Trust Fund.

If the applicant wishes to reroute the overflow from Dingman Lake, we suggest that a shallow culvert be constructed along a 10 foot wide drainage easement from the lake to the tidal creek, and that the lower 50 feet of the existing tidal drainage creek be left intact.

Department of Pollution Control - Review of the subject project indicates that construction of a canal to replace the existing drainage ditch would tend to channel run-off directly into Strickland Creek. Deleterious substances which are now receiving some filtering due to "sheet flow" over and thru the existing marsh area would be channeled directly into the canal and on into Strickland Creek. There would also be problems with stagnation during dry periods when the run-off would be reduced. Site inspection does not indicate run-off from the lake to the west. The drainage appears to be from a marsh just south of Dingman Lake and from surrounding higher lands.

The construction of the long canal will result in approximately 600 feet of additional unnatural shoreline, thereby increasing the potential for contaminants to enter local water bodies. The project as submitted is not recommended for approval by the Cabinet. The area could be developed for home sites without closing the existing drainage ditch.

This Department will not take any further action on this project until such time as a revised application is submitted depicting: (1) elimination of the canal, (2) retention of the existing drainage system. This may be relocated some to accommodate development of home sites. We will refrain from issuing a letter of denial until an indication is given that a revision will not be forthcoming.

Staff recommends that the permit be denied.

ACTION OF THE TRUSTEES:

Mr. Kuperberg advised that the applicant had met with the staff and representatives of the environmental agencies at two Friday meetings and twice agreed to modifications that were not made, however. Without the modifications, the staff recommended denial of the application.

Motion was made by Mr. Stone, seconded by Mr. O'Malley, to deny the permit.

Mr. Miller, the applicant, discussed plan revisions he had made including elimination of seawalls, sloping the canal banks and planting grass to the water's edge. In his opinion the project would not create stagnant water in the tidal creek, would improve drainage problems for and be a benefit to the surrounding property owners as well as himself, and was approved by the City of Ormond Beach provided he granted drainage across his property.

Mr. Kuperberg commented that the city and applicant wished to solve a drainage problem by directing drainage into the waters of Strickland Creek, a project opposed by all the environmental agencies.

Mr. James W. Carr of the Trustees' staff discussed inspection of the work site, the suggestion of a marina instead of a drainage canal, and said revisions agreed to by the applicant were not as recommended by the state environmental agencies.

The staff recommendation to deny the permit was approved without objection as the action of the Board.

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LAKE COUNTY - Disclaimer to Clear Title
(July 9, 1973)

APPLICANT: Darrell C. King
represented by Benjamin T. Shuman, Attorney
Orlando, Florida

REQUEST: Quitclaim deed from Board of Trustees covering land
owned by Darrell C. King.

LOCATION: 173.5 acres, more or less, in Sections 1 and 2, Town-
ship 19 South, Range 24 East, Lake County.

On May 1, 1960, the Florida Board of Parks and Historic Memorials, pursuant to authority granted by Chapter 59-523, Laws of Florida, and concurred in by the Governor and the Trustees of the Internal Improvement Fund under Section 592.10, Florida Statutes, conveyed 173.5 acres to Darrell C. King and Pauline M. King, his wife.

By deed dated September 18, 1968, issued pursuant to Chapter 67-2236, General Laws of 1967 (Section 253.03, Florida Statutes), the Florida Board of Forestry transferred certain park property to the Board of Trustees and the land previously deeded to Darrell C. King and wife was erroneously included.

Staff counsel has reviewed this matter and advises that the 1968 deed from the Florida Board of Forestry to the Board of Trustees created a cloud on the title to the 173.5 acres earlier conveyed to Darrell C. King, et ux, and recommends issuance of a dis-

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claimers without charge by the Board of Trustees to Darrell C. King and wife disclaiming any interest arising out of the deed from the Board of Forestry to the Trustees dated September 18, 1968, with respect to the parcel described in the 1960 deed to Darrell C. King and wife.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Board approved the staff recommendations.

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MANATEE COUNTY - Application for approval of modification of Lease in accordance with terms of Dedication No. 24748-A(2051-41) Amended December 12, 1972.

APPLICANT: City of Bradenton, as Lessor and Henri Landwirth, John A. Quinn, John H. Glenn, Jr., Murray Groves, Inc., a Florida Corporation, and Robert P. Murray, as Lessee.

DESCRIPTION: A portion of filled land dedicated to the City of Bradenton for use in the DeSoto Center, and leased for construction and operation of a Holiday Inn as authorized in the amended dedication.

PURPOSE: The modifications agreed to by the City of Bradenton and the principals interested in the proposed Holiday Inn are designed to do the following:

1. Correct an error in the description in Exhibit A attached to the original lease.
2. Provide that the number of units authorized in the lease would be a minimum as was intended by the parties.
3. Provide lending institutions with the right to continue operation as a sub-lessee, in the event of default by the lessee, and provide for subrogation of mortgagee of the lease to all rights of the mortgagor.

STAFF REMARKS: These modifications do not violate either the letter or spirit of the terms of the Dedication as amended on December 12, 1972, and have been approved by the parties and by the ad hoc Blue Ribbon Committee appointed by the Trustees.

Staff recommends approval of the modifications to the lease and of the lease as modified.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved the lease modification and executed the instrument.

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MARTIN COUNTY - Sovereign Land Dispute Settlement (no lawsuit pending)

ADVERSE

CLAIMANT: Beta, Ltd., a Tennessee partnership qualified to do business in Florida.

LOCATION: Indian River (Coot Cove) in Section 31, Township 37 South, Range 42 East, Martin County, Florida.

NATURE OF CONTROVERSY: Beta, Ltd., claims ownership of a 22-acre, tidal mangrove habitat bordering on Coot Cove which is a part of the Indian River. The habitat is composed of three mangrove sloughs. Two of these are largely mixed, black and white mangroves and the other red mangroves. Beta, Ltd., has cleared the black and white sloughs. The most valuable mangrove habitat (the greatest

amount of mangrove still standing and containing the most red mangrove and contiguous to the Indian River) remains primarily intact. Staff surveyed 21.721 acres, the entire tidal area, and claims ownership of approximately eight acres as well as damage to acreage resulting from the placement of fill around the perimeter of the tidal area bordering on Coot Cove. The Cove borders on the Jupiter Inlet Aquatic Preserve and the waters within it are designated Class II.

APPRAISAL: Beta, Ltd., paid a flat price for the entire tract which includes the 22-acre, intertidal, mangrove habitat and two islands in the Manatee Pocket and Lot Q and the East $\frac{1}{2}$ of Lots R and S (Salerno Shores Revised Plat). These islands were originally peninsulas that were artificially severed from the mainland. These lots are waterfront. Computed on an acreage basis, the purchase price was \$17,500 per acre. Beta, Ltd., claims to have rejected a recent bona fide offer to purchase of \$50,000 per acre. (The local Audubon Chapter has sought ownership of the islands and lots.)

INVESTIGATIONS: Infrared photographs furnished by Martin County demonstrate the 22-acre area is intertidal. Field inspections reveal three sloughs, one primarily red (the 8-acre tract) and two mixed black and white. The State's survey was based upon an elevation of .83 feet above mean sea level datum while the claimant's survey was based upon an elevation of .64 feet. Claimant flooded property to elevation of .78 feet in attempting to locate mean high water. The property has been inspected by staff of the U. S. Army Corps of Engineers; U. S. Department of Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife; the staff of the Martin County Planning and Zoning Board; and the Game and Fresh Water Fish Commission. Staff also reviewed U.S.G.S quad sheets, assessor's maps, topographic maps, in addition to numerous on-site inspections.

PROPOSED SETTLEMENT: A. Beta, Ltd., will: 1. Quitclaim the 8-acre tract to the State. The quitclaim will contain a warranty that Beta, Ltd., warrants its interest against third parties.

2. Quitclaim the Manatee Pocket islands and waterfront lots to the State in partial settlement of the damage to State land with title warranty.

3. Lower the elevation on either side of the unauthorized road bed consistent with natural elevations; fill on both sides of the bed in the mangrove root systems to be hand removed (or breached to insure tidal flow).

4. Restore (or underwrite such a project) the road bed area to its former mangrove habitat.

5. Redig mosquito control ditches to assure tidal action and eliminate any potential mosquito infestation.

6. Prepare accurate legal description for the 8-acre tract, the islands and lots as well as a survey of the tract.

7. Develop the area contiguous to the 8 acres, in such a manner that mangrove habitat will not be damaged in any way.

B. The settlement is subject to the following conditions:

1. It relates solely to sovereign ownership and is not an endorsement of any development plans by Beta, Ltd. (A regional impact study has been prepared by Beta, Ltd., for its project.)

2. Any and all permits Beta, Ltd., would otherwise need from any federal, state, county or other municipal government are still required and must be applied for under the procedures of those governments or their agencies.

3. The boundaries of the 8-acre tract shall be as redrawn by staff.

4. Field inspections reveal and claimant represents that there are no other intertidal areas where any issue of sovereign ownership may arise. However, in the event that such an area has been

omitted, it is understood between the parties that such area is not included in the settlement and must be considered separately. A legal description of the entire tract now under consideration has been provided by claimants.

5. All taxes for 1973 will be paid by claimant.

6. Claimant will determine exact location of lots Q, R and S within a reasonable period of time after passage of this item.

Although not part of the settlement, it appears that current development plans will leave a buffer zone of 50 - 200 feet around the tract.

OTHER AGENCY COMMENTS: United States Department of Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife and United States Corps of Engineers: We find that the settlement proposed as a property settlement is justified and satisfactory, since much of a mangrove habitat involved was mixed mangrove and difficult to relate to the mean high water line, and to the jurisdictional limits of the Trustees and of the Corps of Engineers. After this field survey and our review, we believe you would be wise to go ahead with this property settlement.

Martin County Zoning Department: If you believe you have reached the most advantageous settlement position legally, you should by all means consummate the agreement.

Staff recommends settlement of the controversy upon the terms as described within this item. Beta, Ltd., has already complied with #A.3 and #A.5.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Conner and passed without objection, to approve the settlement upon the terms set out in the agenda as recommended by the staff.

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BROWARD COUNTY - Fill Permit No. 06-12-0611
(April 19, 1973)

APPLICANT: Delphi Enterprises
c/o Davis and Craven
1699 E. Oakland Park Blvd.
Fort Lauderdale, Florida 33308

PROJECT: To construct and backfill a 255-foot long seawall extending 15 feet waterward of the mean high water line at the south end, to 25 feet at the north end.

LOCATION: Section 6, Township 49 South, Range 43 East, Spanish River, Broward County.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF REMARKS: Field Operations Division recommends that the project be approved. On August 7 and again on September 4, Delphi Enterprises application for Broward County Fill Permit No. 06-12-0611 was deferred 2 weeks.

ECOLOGICAL RESPONSES: Department of Natural Resources - While the subject area does not appear highly productive, shallow bottoms provide feeding and nursery areas for numerous estuarine and marine species. To best conserve shallow bottoms, the seawall should be realigned, connecting the south end to the existing seawall but directing the seawall toward the shoreline.

Game and Fresh Water Fish Commission - The Environmental Protection Section of the Game and Fresh Water Fish Commission concurs with findings and recommendations of the Department of Natural Resources.

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Department of Pollution Control recommends that the proposed seawall be constructed to align with the existing seawall on the south and the natural shoreline at the north.

OTHERS: 1. The City Commission of the City of Pompano Beach prefers that the seawall be constructed as originally submitted so that the northerly projection of the existing seawall from the south can be maintained, and not the suggested alignment as per the Department of Natural Resources biological report.

2. Applicant has submitted two affidavits with a copy of the original 1945 survey attesting to artificially induced erosion of the shoreline with reclamation as provided under Florida Statutes 253.124(8) and Administrative Rule 18-2.13.

Staff recommends issuance of the fill permit subject to the stipulation that riprap be placed on the waterward facing of the seawall extending above the mean high water line on a 3:1 slope.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that this matter was worked out to the satisfaction of the staff by obtaining two affidavits and an original survey submitted under Section 253.124(8) Florida Statutes. This was a land cut, the canal originally was dredged to the platted limits with vertical 8-foot sides that eroded away, and applicant was asking to restore the original conditions.

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Board.

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BROWARD COUNTY - Dredge Permit No. 06-21-0664

At the request of the staff the Trustees deferred consideration of an application by I. Lee Crouch, Trustee, to dredge a section of Dania Cut-off Canal 6,200 feet long from Port Laudania into the Intracoastal Waterway in Sections 26 and 35, Township 50 South, Range 42 East, Broward County.

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BROWARD COUNTY - Fill & Construction Permit 06-39-0745
(June 8, 1973)

APPLICANT: Sage Corporation, Steve Brody
1920 East Hallandale Beach Blvd.
Hallandale, Florida 33009

PROJECT: To construct a seawall 300 feet long, a dock 300 feet in length and install three settling tanks with storm sewer outfalls.

LOCATION: Section 26, Township 51 South, Range 42 East, Intra-coastal Waterway, Broward County.

STAFF REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL RESPONSES: Department of Natural Resources - Survey and Management: On July 6, 1973: To conserve the shallow vegetated bottoms, the proposed seawall should be relocated at the mean high water line. 2) September 24, 1973: According to Mr. Brody, the seawall for which he is requesting a permit will in reality be placed approximately 35 feet landward of the existing bulkhead line offshore of his property. Said seawall will be constructed so that it intersects the mean high tide line barely, if at all. Our recommendation at the end of our report of July 6, 1973, will be followed precisely.

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Bureau of Beaches and Shores - It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control has no objection to the project.

Staff recommends that the construction and fill permit be issued subject to the July 6, 1973, recommendations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board.

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DADE COUNTY - Construction Permit No. 13-39-0837
(May 31, 1973)

APPLICANT: Rotunda Structures, Inc., c/o Aaron Baer
1605 Biscayne Blvd., Miami, Florida 33132

PROJECT: To construct a seawall 240 feet long on the south bank of the Miami River.

LOCATION: Section 38, Township 54 South, Range 41 East, Miami River, Dade County.

MATERIAL: 150 cubic yards of fill to be placed behind the seawall will be obtained from upland sources.

PAYMENT: Not applicable; state-owned lands not involved.

STAFF REMARKS: Field Operations Division has no objection to the proposed project; however, riprap should be placed in front of the structure.

ECOLOGICAL RESPONSES: Department of Natural Resources: Survey and Management - It would be more conservative to place the bulkhead at the mean high water line except where it will connect to the bulkhead on the east. This positioning would utilize some of the stabilized riprap to provide protective habitat for small marine organisms and dissipate reflected wave energy. The installation of four direct-flow storm drains can be expected to contribute to the further degradation of water quality in both the Miami River and, ultimately, Biscayne Bay.

Bureau of Beach and Shores - A hydrographic survey will not be required. The information provided with the application is sparse with regard to the location of the mean high water line on the plan view of the project. It is recommended that the applicant tie into the seawall at the east end of the property and then realign his seawall to conform to the existing shoreline. The applicant should also consider placing stone at the toe of the seawall to reduce scour and wave reflection.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control has no objection to the proposed seawall and outfalls provided all soakage pits, etc., that might be required by future construction before the outfalls are placed in service are used and approximately two feet of riprap is placed at the toe of the seawall.

OTHERS: Letter from applicant complying with stipulations of the Department of Natural Resources as to seawall location and elimination of the four 15-inch storm drainage outfalls into the Miami River.

Staff recommends approval of Construction Permit subject to the stipulations of the environmental agencies.

ACTION OF THE TRUSTEES:

Mr. Kuperberg requested deletion from the agenda as originally prepared, of this portion of the project: "and four 15-inch storm drains."

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Board approved issuance of the permit for the revised project subject to the stipulations of the environmental agencies.

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FRANKLIN COUNTY - Construction Permit No. 19-30-0845
(May 22, 1973)

APPLICANT: City of Apalachicola, c/o Tom W. Justice
47 E. Chase St., Pensacola, Florida 32501

PROJECT: To reconstruct two municipal docks that were partially destroyed by Hurricane Agnes in June, 1972.

LOCATION: Section 6, Township 9 South, Range 8 West, Apalachicola River, Franklin County in Aquatic Preserve G-6.

STAFF REMARKS: Field Operations Division recommends that the project be approved.

ECOLOGICAL RESPONSES: Department of Natural Resources: Construction of the proposed docks should not have significant adverse effect on marine biological resources.

Game and Fresh Water Fish Commission has no objection to the proposed project.

Department of Pollution Control advises that certification of the project will be issued upon notification of approval by the Cabinet.

Staff recommends that the construction permit be issued.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved issuance of the construction permit.

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FRANKLIN COUNTY - Dredge & Fill Permit No. 19-39-0809
(June 1, 1973)

APPLICANT: Roger R. Newton
P. O. Box 176, Apalachicola, Florida 32320

PROJECT: To construct an upland seawall and perform maintenance dredging of existing boat basins.

LOCATION: Township 9 South, Range 8 West, Apalachicola Bay, Franklin County, in Aquatic Preserve G-6.

MATERIAL: 95 cubic yards will be dredged.

PAYMENT: \$47.50 submitted for payment for 95 cubic yards removed from state-owned submerged lands.

STAFF REMARKS: Field Operations Division has no objection to the project provided the applicant agrees to the specifications of the Department of Natural Resources.

ECOLOGICAL RESPONSES: Department of Natural Resources - Survey and Management: April 20, 1973: Bottoms inside the proposed 110-foot long by 60-foot-wide bulkhead and fill area are generally higher, and although some limited amount of marsh occurs in the area, the

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work should not have significant detrimental effects on the marine biological resources, provided the following stipulations are strictly adhered to:

1. Future dredging should be done in the open water areas of the channels and should not include marsh bottoms alongside the channels.
2. When constructing the bulkheads along the channels, the applicant should leave a narrow marsh fringe between the bulkhead and the channel.
3. While the project map apparently is not drawn to scale and distances are inaccurate, the proposed bulkhead should not extend beyond 110 feet from the upland end of the existing west side channel.
4. All fill materials that were previously placed on marsh bottoms outside the 110 foot by 60 foot bulkhead area should be removed down to the level of the original marsh to allow the area to revegetate itself.
5. Barriers should be installed and maintained to control excessive siltation and turbidity that may occur during dredging operations.
6. Spoil materials should be placed within the proposed bulkhead behind adequately constructed retaining structures or dikes to prevent the spoil materials from re-entering Apalachicola Bay.

October 9, 1973: The application has been revised to meet with our recommendations, and the applicant has agreed to follow stipulations set forth in our letter dated April 20, 1973. As revised, the project should not have significant adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control has no objection to the proposed project.

Staff recommends that the dredge and fill permit be issued subject to the stipulations of the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved issuance of the dredge and fill permit subject to the stipulations of the environmental agency.

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MONROE COUNTY - Extension of Dredge & Fill Permit No. 253.03-192
(Revised August 22, 1973)

APPLICANT: Rene R. Veliz and Miguel Aquilera
c/o William J. Roberts
P. O. Box 1386, Tallahassee, Florida 32302

PROJECT: To excavate a boat basin in Section 18, Township 63 South, Range 38 East, and to dredge a navigation access channel 5 feet deep (mean low water) 50 feet wide (top cut) and 550 feet long, and to fill approximately 3.5 acres of privately-owned land (submerged) in the Atlantic Ocean.

LOCATION: Section 18, Township 63 South, Range 38 East, Atlantic Ocean, Monroe County.

STAFF REMARKS: On September 21, 1973, staff requested revised comments from the state environmental agencies on modification of the project to meet today's guidelines.

Staff recommends extension of the dredge and fill permit for a period of sixty days subject to the stipulation that no work will take place during that time and that the matter will be reagendaed upon receipt of current comments from the state agencies.

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ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendations were approved as the action of the Board.

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LEON COUNTY - Extension of Construction Permit No. 37-22-0761

APPLICANT: Department of Transportation
c/o Department of Administration
725 S. Bronough, Tallahassee, Florida 32304

PROJECT: To maintain 2 temporary silt barriers in Meginnis Arm and 2 temporary silt barriers in Ford's Arm. These floating "diapers" are designed to reduce siltation and turbidity from storm water runoff entering Lake Jackson.

LOCATION: Sections 1, 2, 11, 14, Township 1 North, Range 1 West, Ford and Meginnis Arms, Lake Jackson, Leon County.

STAFF REMARKS: Maintenance of these temporary silt barriers is essential to the protection of the water quality in the 6,000+ acre Lake Jackson until such time as long range silt control and restoration has been implemented.

ECOLOGICAL RESPONSES: Department of Pollution Control has no objections to the installation of the proposed silt barriers. It is understood that the barriers are only a temporary measure and will aid only in confinement of sediments to the waters within Meginnis Arm and Fords Arm. Permanent measures should be taken by the County and City to reduce the amount of deleterious substances now entering Lake Jackson.

Certification in accordance with Public Law 92-500, will not be required for the project as a Federal Permit will not be required.

Staff recommends extension of the construction permit for a six month period.

ACTION OF THE TRUSTEES:

Mr. Jay Brown of the Department of Transportation explained the need to continue to maintain the silt barriers for six more months. He said while this has been a temporary measure, the silt barriers have been screening out 60% to 90% of the fine material that would have gone into Lake Jackson, the size of the silt barriers was being increased four times its original size in order to pick up coarse materials, and the Department of Transportation would pave the area ahead of schedule at great expense in order to eliminate siltation contributed by I-10 construction.

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the Trustees approved extension of the permit for six months.

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PALM BEACH COUNTY - Modified Dredge Permit No. 50-31-1471
Approved on August 21, 1973 (Item 19C)
Revised September 25, 1973

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: To construct a bridge at Blue Heron Boulevard, dredge for channel realignment, construct bulkheads and fill.

LOCATION: Sections 27 and 28, Township 42 South, Range 43 East, Lake Worth, Palm Beach County.

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MATERIAL: To excavate a total of 101,364 cubic yards of material of which 40,000 cubic yards is to be placed on City of Riviera Beach property, 10,850 cubic yards to be placed in the roadway embankment and 50,514 cubic yards to be disposed of by the contractor on uplands.

PAYMENT: \$50,514 to be received.

STAFF REMARKS: On September 26, 1973, a letter received from the Department of Transportation indicated the necessity for modification of the Dredge Permit Number 50-31-1471, approved by the Trustees on August 21, 1973, to include an additional 6,364 cubic yards of material to be dredged in order to meet U.S. Army Corps of Engineers' requirement for permit approval.

Staff recommends modification of dredge permit number 50-31-1471 per the September 25, 1973, letter from Department of Transportation subject to: 1) Receipt of payment at \$1.00 per cubic yard for all spoil material except that amount put to a public use certified by the using agency. 2) Placement of all spoil material on adequately diked and baffled upland spoil areas approved by state environmental agencies prior to contract commitment.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Conner, to approve the permit modification requested.

Mr. Earl Boyce, representing Federated Conservation Council, who at the August 21 Trustees' meeting had opposed issuance of the dredge permit for construction of the fixed-span Blue Heron Bridge, renewed his objections. He said there were many groups of people in Palm Beach County opposed to this bridge, the estimated cost had increased, the modification would allow more dredging at greater damage to Phil Foster Park and the ecology. Expressing the opinion that the ideal solution might be the type bridge used at Lake Worth, he recommended denial of the permit and a more complete study with local hearings.

Governor Askew commented that there had been extensive hearings on this project and Mr. Boyce should address himself to the modification of the dredge permit.

Without objection, the motion to approve the permit modification passed.

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LAKE COUNTY - Dredge and Fill Permit No. 35-39-1232E

At the request of the applicant the Trustees deferred consideration of an application by the Department of Health and Rehabilitative Services to construct a roadway and two fences across an arm of Lake Shepherd in Section 36, Township 21 South, Range 25 East, Lake County.

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LEON COUNTY - Land Exchange (June 29, 1973)

APPLICANT: Aubrey Barrow, Tallahassee, Florida

REQUEST: Conveyance from Trustees of a 0.018-acre parcel in exchange for a 0.059-acre parcel to resolve an encroachment situation.

LOCATION: Two parcels in the SE¼ of SW¼ of Section 6, Township 1 South, Range 3 West, Leon County.

The purpose of the exchange is to relieve a hardship caused by the erroneous placement of a dwelling several years ago on property now owned by Mr. Barrow. A recent survey of Mr. Barrow's property revealed that the dwelling, constructed by Mr. Barrow's

predecessor in title, is in fact located approximately fifteen feet over the property line on property since conveyed by Florida Power Corporation to the State and now part of the Lake Talquin State Recreation Area.

Mr. Barrow offers the State a 0.059-acre parcel of his unimproved property in exchange for the 0.018-acre parcel of State land containing the fifteen-foot building encroachment. The Department of Natural Resources at its meeting February 6, 1973, approved this exchange and recommended the Trustees exchange the necessary deeds.

An appraisal has been made of the two parcels. Staff appraiser has reviewed the appraisal and finds that the value of the State's 0.018-acre parcel is \$275 and the Barrow 0.059-acre parcel is \$130 with a difference of \$145 rounded to \$150. Mr. Barrow has remitted the \$150 difference. Staff counsel has reviewed and approved the title of the 0.059-acre parcel to be deeded by Mr. Barrow to the Trustees.

Recommend exchange of the Trustees' 0.018-acre parcel for the Barrow 0.059-acre parcel.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees approved the land exchange recommended by the staff.

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the rules were waived for consideration of two items added to the original printed agenda.

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ESCAMBIA COUNTY - Construction & Marina License 17-30-1181
(June 20, 1973)

This item is placed on the addendum agenda at the request of the Comptroller.

APPLICANT: Richard R. Bennett
Route 1, Shalimar, Florida 32579

PROJECT: To construct a new 1000 foot, reinforced concrete commercial fishing pier.

LOCATION: Section 20 & 21, Township 2 South, Range 26 West, Gulf of Mexico, Navarre Beach, Escambia County.

ECOLOGICAL RESPONSES: Department of Natural Resources - The construction of the proposed 1000 foot fishing pier on the Gulf of Mexico should not have significant adverse effects on marine biological resources provided sufficient efforts are taken to minimize siltation and turbidity that may be caused by the installation of the support pilings.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is not expected that the proposed pier will have adverse hydrographic effects. However, applicant has been placed on notice that a variance to the setback line provisions of Chapter 161.052 will be required.

Game and Fresh Water Fish Commission has no objection to issuance of the permit application.

Department of Pollution Control - Further action will be taken upon receipt of comments from our Regional Office, the required proof of publication, and the expiration of the 20 day period.

Staff recommends approval of the construction permit subject to:
1) receipt of certification from Department of Pollution Control;
2) application for license to operate a commercial dock facility;
3) stipulations of the Department of Natural Resources.

October 16, 1973

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and Mr. Stone, passed without objection, the staff recommendations were approved as the action of the Board.

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DADE COUNTY - Fill Permit No. 13-10-0959
(June 8, 1973)

On October 2 the Trustees deferred action on this application.

APPLICANT: Southeastern Florida Properties, Inc.
1700 Collins Avenue, Miami, Florida

PROJECT: To fill the north shore of a deadend finger canal and construct a riprap seawall for the development of multiple family project adjacent to State Road 826.

LOCATION: Sections 11 and 14, Township 52 South, Range 42 East, Casino Canal, Dade County.

MATERIAL: 100,000 cubic yards of fill material to be obtained from uplands.

PAYMENT: Not applicable. State-owned lands not involved.

ECOLOGICAL RESPONSES:

Department of Natural Resources: October 11, 1973 - The Department of Transportation plans for enlargement of highways in this area so dwarf the relevance of this office's comments (March 1, 1973) as to lead us to concur with the consensus of the meeting of September 14, 1973. In lieu of pursuing the matter with this applicant, we are committed to an early, close review of the Department of Transportation plans with the intent of recommending run-off controls and design/placement modifications which will be in the best interests of marine resources.

March 1, 1973 - The applicant's Phase I proposal would fill approximately 154,000 square yards of land on the eastern shore of the Intracoastal Waterway just north of the 163rd Street Causeway. Most of this area has been previously filled and is vegetated by Australian pines. Some of the area is being used for a sanitary land fill dump; living red and white mangroves were observed protruding from some of the fill. A small part of this area is intertidal and vegetated primarily by white mangroves with a few isolated red mangroves. (It appears that several roads have recently been constructed on intertidal bottom.) Submerged bottoms in the subject area range from shallow sandy bottoms vegetated by filamentous green algae to deep black silt found in two small, deep areas along the southern edge of the Phase I boundary. There are also three small islands (probably old spoil islands) within the Phase I line which are vegetated by red mangroves and harbor a large, healthy population of oysters. The oysters in turn provide a protective habitat for xanthid crabs, amphipods, isopods, and small fish. Other organisms observed in the subject area include mollies, mullet, mojarra, mangrove snapper, osprey, yellow-crowned night heron, Louisiana heron, great blue heron and white ibis.

The area is probably the most productive, semi-natural area in the immediate vicinity. To conserve what productive area is left, the proposed bulkhead should be aligned with a small existing berm at the mean high tide line. This would leave some shallow sandy bottom and the three small red mangrove islands.

The remainder of the parcel outside of Phase I (delineated on the aerial photo by a yellow line without cross-hatching) has more extensive intertidal areas vegetated by white mangroves with a narrow peninsula of red mangroves in the southwestern part of the property and more stretches of open water. The open water area bottom consists of coarse sand, gravel, and shell fragments near

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the western property line and some silty areas near the right angle formed by an existing seawall and the northern emergent shoreline of the property. The near-shore bottom was vegetated by green algae (Ulva); the off-shore bottom was not vegetated. The intertidal white mangrove areas are being filled at present by the expansion of the sanitary land fill dump and partly enclosed by newly constructed roads. Species observed in this area include oysters, amphipods, isopods, xanthid crabs, mullet, needlefish, Louisiana heron, great blue heron, white ibis, and many yellow-crowned night-herons.

Filling this parcel of land would eliminate protective habitat for wildlife and shallow feeding, spawning, and nursery grounds commonly used by marine organisms. It would be more conservative if the applicant developed at or above mean high tide line and removed the roads that have been built on intertidal land.

Bureau of Beaches and Shores: A hydrographic survey will not be required. It is recommended that fill boundaries be modified to eliminate the abrupt discontinuity in the shoreline (i.e., corner) at the southwest corner of the project. If this modification were made, it would be improbable that this project would have significant adverse hydrographic effects. The proposed riprap along the shoreline is desirable since it will help minimize wave reflection and bank erosion. The applicant may, however, desire to use filter X or other filter material under the riprap to further minimize loss of upland fill.

Game and Fresh Water Fish Commission: The applicant proposes to fill several acres of Casino Canal for the purpose of providing additional upland property for condominium development. The proposed fill area consists of a brackish bayou containing three small mangrove islands and fringed with a community of red, black, and white mangroves. At several points within the project area small amounts of fill have been placed beyond the mean high water line, and mangroves have been pushed over or partially buried. During our field survey we observed several species of birds utilizing the mangrove habitat including green herons, common terns, nighthawks, boat-tailed grackles, red-winged blackbirds, and mourning doves. Oysters, fiddler crabs, mud crabs, and periwinkles inhabit the intertidal zone. Striped mullet, needlefish, mojara, sailfin mollies, and mosquitofish were observed in the bayou.

Similar productive fish and wildlife habitats in the vicinity of the project area have been eliminated by extensive development. As a result, the remaining areas are especially valuable for providing nesting and feeding grounds for the avian fauna and mangrove detritus for the aquatic food web. The further destruction of these biological communities will seriously degrade the quality of residual wildlife resources.

Therefore, we recommend that no fill be placed below the mean high water line and that riprap be used for erosion protection in those areas where mangroves have been destroyed. In conclusion, our agency recommends against the project as submitted because of the biological damage that would occur.

Department of Pollution Control: In response to your letter of February 21, 1973, we did not receive any objections to the Public Notice for the subject project. As stated in our letter of January 16, 1973, we will issue certification upon notification of approval of the project by the Board of Trustees.

OTHERS: Department of Transportation letter, dated October 11, 1973, subject: Sunny Isles Causeway State Road 5 to State Road 1A received concerning status of their project, State Job Number 87170-1511.

Staff recommends issuance of the fill permit subject to the stipulation that storm drainage controls and outfall locations be approved by state environmental agencies in coordination with the Department of Transportation.

ACTION OF THE TRUSTEES:

Mr. Kuperberg advised the members that new letters commenting on the project had been furnished from the Department of Natural Resources (dated October 11, 1973) and from the Department of Transportation.

Mr. Stone said that on the basis of the new comments he would make a motion to approve issuance of the fill permit. Mr. Christian seconded the motion that passed with Mr. Shevin, Mr. O'Malley, Mr. Conner and Governor Askew voting in the affirmative.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST: 
EXECUTIVE DIRECTOR

* * * * *

Tallahassee, Florida
November 6, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Haydon Burns Building with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg Executive Director

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The minutes of October 2, 1973, were approved as submitted.

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ALACHUA COUNTY - Murphy Act Land Sale (Hardship Act)
(October 12, 1973)

APPLICANT: Taft Gilmore, as trustee of the heirs of Laura Gilmore
Route 1, Box 70, Brooker, Florida 32622

REPRESENTED
BY: Parks Carmichael, Attorney at Law, Gainesville, Florida

REQUEST: Application under Section 197.355, Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act), to purchase $W\frac{1}{2}$ of $S\frac{1}{2}$ of Lot 7 less $7\frac{1}{2}$ acres as per Deed Book 66, page 646 less RR right of way, Section 18, Township 7 South, Range 20 East, 24 acres, embraced in Tax Sale Certificate No. 929 of 1931.

November 6, 1973

OFFER: \$245 for 24 acres, more or less. The 1932 assessed value was \$60.

STAFF COMMENTS: Tax Sale Certificate No. 929 of 1931 was overlooked when Tax Sale Certificate No. 4631 of 1933 was redeemed October 8, 1935. The amount of the certificate is \$6.28.

The applicant is an heir of the former owner on June 9, 1939. The applicant qualifies under the so-called "Hardship Act."

There has been deposited with the Clerk of the Circuit Court of Alachua County an amount equal to the sum of all state, county taxes and assessments due to the date of the application.

Recommend conveying the interest of the State of Florida in this parcel of land to Taft Gilmore, as trustee of the heirs of Laura Gilmore for \$245, following established policy.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees approved the conveyance under provisions of the Murphy Act as recommended by the staff.

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PALM BEACH COUNTY - Road Right of Way Easement
(April 27, 1971)

APPLICANT: Department of Transportation
Tallahassee, Florida

REQUEST: Easement for public road purposes for construction and maintenance of State Road 80.

LOCATION: South 100 feet of Section 16, North 100 feet of Section 21, North 100 feet of West 130 feet of Section 22, and the North 100 feet less the West 1064.48 feet of Section 20, all in Township 43 South, Range 38 East, Palm Beach County.

The South 100 feet of Section 16 is under Agriculture Lease No. 1600 held by Pelican Bay Co-op which lessee has no objection to the easement. The balance of the land in the requested easement is part of the farm lands of the Glades Correctional Institution at Belle Glade. The Department of Health and Rehabilitative Services has no objection to issuance of the easement provided that certain pasture fencing and gates are replaced and relocated by the Department of Transportation. The Department of Transportation has agreed to relocate and replace the fencing and gates as requested by the Institution.

There were no objections to the proposed alignment in the Environmental Impact Statement review process.

Recommend issuance of the easement to the Department of Transportation for public road purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the easement for public road purposes only.

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BREVARD COUNTY - Transmission Tower Lease No. 1950
(October 15, 1973)

APPLICANT: Astro Enterprises, Inc.
228 Forrest Avenue, Cocoa, Florida 32922

PROJECT: 90-day extension of Lease No. 1950 for a radio transmission tower.

November 6, 1973

LOCATION: A parcel of submerged land in the Indian River in Section 34, Township 24 South, Range 36 East, Brevard County.

MATERIAL: Not applicable.

PAYMENT: Old lease which expires November 5, 1973, \$120 per year.

STAFF REMARKS: A 10-year lease renewal has been requested. However, to provide time to obtain an appraisal upon which to establish a new annual rental basis, a 90-day extension of this lease is requested.

Staff recommends 90-day extension of the lease in order to provide sufficient time to obtain an appraisal for determination of a new annual rental fee.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Board approved 90-day extension of the lease as recommended by the staff.

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BROWARD COUNTY - Application for Disclaimer No. 2516-06-253.129
(July 27, 1973)

STAFF

DESCRIPTION: A parcel of filled sovereignty land in New River Sound abutting Section 12, Township 50 South, Range 42 East.

CITY AND COUNTY: Ft. Lauderdale, Broward County.

APPLICANT: John R. Penn, Jr.

APPLICANT'S
REPRESENTATIVE: John D. Mendez
P. O. Box 4566, Ft. Lauderdale, Florida 33304

ACREAGE: 0.10 acre
RATE PER ACRE: Not applicable.

BIOLOGICAL REMARKS: Not applicable.

STAFF REMARKS: The applicant has made application pursuant to Section 253.129 Florida Statutes, which provides that "The title to all lands heretofore filled or developed is herewith confirmed in the upland owners and the trustees shall on request issue a disclaimer to each such owner."

Two affidavits have been submitted which state that the parcel was bulkheaded and filled during the years 1940 and 1941 by a predecessor in title.

Field Operations Division found no reason why the disclaimer should not be issued.

\$100 processing fee has been submitted.

Staff requests authority to issue the disclaimer.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Board of Trustees authorized issuance of the disclaimer pursuant to provisions of Section 253.129 Florida Statutes.

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BROWARD COUNTY - Right of Way Easement File 2523-06-253.03
(September 17, 1973)

November 6, 1973

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Easement for public highway purposes as and for right
of way for a public state road.

LOCATION: A 0.16 acre parcel of sovereignty land in North Fork of
Middle River abutting Section 25, Township 49 South,
Range 42 East, Broward County.

PAYMENT: Not applicable.

STAFF REMARKS: On September 19, 1972, the Trustees authorized
issuance of Dredge and Construction Permit 253.123-1167 and it has
now been determined that an easement is required for the project
site. Field Operations Division has no objection to the proposal.

ECOLOGICAL RESPONSES: Department of Natural Resources - March 10
1972, letter concludes with this comment: "While this dredging
will further degrade the limited biological productivity occurring
under the bridge, it should not have significant adverse effects
on the marine biological resources of Broward County."

Game and Fresh Water Fish Commission - May 1, 1972, letter states
that field biologist, Bruce Jetter, has reviewed the above referenced
permit application and offers no objections to the proposed work.

Department of Pollution Control - March 6, 1972, letter states in
part: "Pursuant to Public Law 91-224, this will certify that there
is reasonable assurance that the following project will be executed
in a manner which will not violate applicable water quality standards
of the State of Florida . . ."

OTHERS: Central and Southern Florida Flood Control District letter
of November 5, 1971, states in part: "The excavation in question
was that requested by this District and was incorporated as a
requirement of the permit which we issued to the Department of
Transportation."

Staff requests authority to issue right of way easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and
passed without objection, the Board of Trustees authorized
issuance of the easement for right of way for a public state
road.

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DADE COUNTY - Dredge & Fill Permit No. 13-31-1350
(August 3, 1973)

APPLICANT: Carillon Hotel Corporation
6801 Collins Ave., Miami Beach, Florida

PROJECT: To dredge from an off-shore borrow area for restoration
of 800 feet of eroded beach to fill an area 150 feet
seaward of an existing vertical seawall for beach
restoration.

LOCATION: Section 11, Township 53 South, Range 42 East, Atlantic
Ocean, Dade County.

MATERIAL: 24,750 cubic yards of material will be dredged from state-
owned land to be used as fill on state-owned property
seaward of the existing seawall.

PAYMENT: Not applicable; dredged material to be deposited on state-
owned submerged lands.

ECOLOGICAL RESPONSES: Department of Natural Resources: Survey and
Management - The applicant proposes dredging to -16 feet mean low
water an area 1,000 feet x 800 feet to obtain 24,750 cubic yards of

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material to restore 800 feet of eroded beach. The dredge area is located from 1,300 feet to 2,300 feet east of the existing vertical concrete bulkhead. The fill area would extend out 200 feet from the bulkhead.

The area to be filled has a series of sheet metal groins running perpendicular to the bulkhead. The combination of the groins and the bulkhead creates conflicting wave patterns and currents (Photo No. 1) that have probably contributed significantly to the erosion problem. The emergent beach and submerged land to be filled is unvegetated by macroscopic attached vegetation. The sheet pile groins in the area are overgrown in places by "worm rock" (Photo No. 2) and vegetated by several kinds of attached algae (Caulerpa and Halimeda). Mojarra and small jacks were common over the sandy bottoms of the fill area. Crevices and holes in worm rock on the sheet pile groins provided habitat for sergeant majors, grunts, small snappers, and blennies.

The area to be dredged is mostly unvegetated coarse sand. Near the outer edge of the dredge area, the bottom is solid rock with a very shallow covering of sand. Attached red algae thickly blankets the bottom, affording cover and feeding areas for numerous grunts, parrotfish, sea horses, snappers, and wrasses. Polychaetes, sand dollars, and ghost shrimp burrow in the sand of the area. (Depths in the dredge area exceeded depths indicated on the application.)

This beach has been severely eroded; the toe of the vertical concrete seawall shows signs of deterioration (Photo No. 3). Benthic biota in the areas of proposed work will probably recover in time. However, this beach area has been extensively modified by vertical bulkheads and groins which tend to intensify erosive forces of the ocean. This beach nourishment proposal will probably yield only a temporary solution to the immediate area and will require periodic redredging which may not allow recovery of benthic biota and thereby would have significant adverse effects on marine biological resources.

The natural sand transfer dynamics of this area may act to gradually refill this deep offshore borrow pit, thus encouraging repopulation by near-shore benthic communities typical of this area. If this does not occur, little recovery can be expected.

Bureau of Beaches and Shores - A hydrographic survey will not be required. This project is being processed for a Coastal Construction Permit.

Game and Fresh Water Fish Commission deferred comments on the project to the Survey and Management Section of the Department of Natural Resources.

Department of Pollution Control has reviewed the subject project and submits the following comments for Trustees consideration.

1. Turbidity control at the disposal area will be difficult due to the lack of material for dike construction. Dikes will be required.
2. An existing air conditioner cooling water discharge will require extension. A revised application should be submitted reflecting this work.
3. Algae exists just off shore of the dredging area. Controls must be exercised to avoid dredging in this area as well as avoiding extreme siltation during dredging.
4. We would like to have Department of Natural Resources assessment regarding the practicability of one beach nourishment project in an area where there is severe beach erosion.
5. It appears as though the proposed area for dredging lies between the -12 foot and -20 foot contour. Dredging to a -16 foot maximum would limit the usefulness of the dredging area.

Although we have no objections to the project we will need a response to Items 1 and 2 above. The applicant in his application Item IV indicates that this information is not necessary and in Item III-G indicates that the contractor will provide a control plan. Certification will be issued upon receipt of the above and an indication of Trustees approval.

NOTE: All of the environmental issues have been resolved, except the diking, which requirement is made a part of staff's recommendation.

Staff recommends that the dredge and fill permit be issued subject to the stipulations that dikes be constructed around the beach restoration area to reduce turbidity to acceptable limits.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Trustees.

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DADE COUNTY - Request for Approval of Land Exchange
File No. 2262-13-253.42 (May 7, 1973)

STAFF DESCRIPTION: Two parcels in the former bed of the Oleta River (Big Snake Creek) in Section 9, Township 52 South, Range 42 East, and a parcel, formerly land, now a part of dredged Maule Lake in Section 10, Township 52 South, Range 42 East, Dade County.

CITY AND COUNTY: North Miami Beach, Dade County
APPLICANTS: S.F.K. Properties, Inc., (a wholly-owned subsidiary of National Industries, Inc.)
James F. Breuil and United Garage and Service Corporation.

APPLICANT'S

REPRESENTATIVE: William C. Lewis, Jr.
Smathers and Thompson, Law Offices
Alfred I. DuPont Building
Miami, Florida 33131

ACREAGE: (1) 3.80 acres to S.F.K. Properties, Inc.
(2) 0.80 acre to James F. Breuil and
United Garage and Service Corp.
(3) 2.80 acres to Trustees by James F. Breuil

VALUES: \$50,100 difference due the Trustees.

PROCESSING: By John E. Milloway, MAI, December 11, 1971 and February 19, 1973. Staff Appraiser submitted his own report after reviewing the report by John E. Milloway.

PURPOSE: At the present time the applicants do not intend to change the present character of the parcels. The use of the property will conform to existing or future zoning regulations.

BIOLOGICAL REPORT DATED October 13, 1969,

REMARKS: As to parcel No. 1: The subject area is now a marina. The bottoms have been dredged to 8 feet and deeper. Sale of the submerged land and further alteration of it will not have adverse effects on marine life and habitat in the area.

STAFF REMARKS: Parcel No. 2 is a part of the abandoned bed of the Oleta River mostly above the line of mean high water and has been filled to plus or minus five feet above mean sea level.

Parcel No. 3 is located in artificially created Maule Lake and portions of the parcel are encumbered by agreements for utility lines and other installations, navigation, ingress and egress, and the right to fill along a certain seawall.

If conveyed, paragraph 253.12(2)(b)3 requires that the deed to the applicants contain a restrictive covenant against filling.

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Trustees may waive the restriction at a later date if such a waiver is determined to be in the public interest.

Parcels No. 1 and No. 2 are parts of Tract "A" of a subdivision known as Maule Federal Highway Industrial Sites.

The applicant's representative submits the following statement as to why the exchange will be in the public interest:

"The advantage of this exchange to both the Trustees, Mr. Breuil and National is that it would firmly and finally establish a boundary for the Oleta River, eliminating costly and time consuming litigation, and effectively enable the Trustees to forever prevent the present and future owners of all of Tract "A" from filling into any of Maule Lake or otherwise extending any improvements from their property into Maule Lake."

Advertisement was made in the MIAMI HERALD and no objections have been received as of the date this agenda was published.

Staff requests authority to accept deed of conveyance from James T. Breuil and to issue deeds with restrictive covenant against filling, for the additional consideration of \$50,100.

ACTION OF THE TRUSTEES:

Mr. Kuperberg advised the Board that Mr. Sherman Weiss, staff attorney, was informed on this date by telephone call that Dade County had withdrawn the request received yesterday from Metropolitan Dade County Public Works Department that the proposed land exchange be made subject to a conveyance from the applicants to Dade County of a parcel adjacent to the lands involved in the application.

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the Trustees authorized acceptance of deed of conveyance from James T. Breuil and issuance of deeds with restrictive covenant against filling, for the additional consideration of \$50,100 as detailed in the agenda item.

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CITRUS COUNTY - Dredge & Construction Permit No. 09-23-0797
(April 23, 1973)

APPLICANT: Florida Power Corporation
3201 - 34 Street South
St. Petersburg, Florida 33711

PROJECT: To dredge for the extension of canals at the Crystal River power plant in order to provide for intake and discharge access to cooling water for Unit 3 which is under construction.

LOCATION: Section 33, Township 17 South, Range 16 East, Citrus County.

MATERIAL: 131,500 cubic yards of limerock to be dredged and deposited on uplands.

PAYMENT: Not applicable; state-owned lands are not involved.

ECOLOGICAL RESPONSES: Department of Natural Resources - The proposed dredging to extend the intake and discharge canals should not have significant adverse effects on marine biological resources provided spoil is deposited and contained on upland. The designated spoil areas shown in the drawing submitted were found to be inaccurate. An on-site inspection with Gus Pachos, of Florida Power Corporation, revealed that spoil would be deposited on previously filled lands and not on submerged land or tidal marsh.

A hydrographic survey will not be required. In view of the existing canals, it is improbable that this project will have significantly adverse hydrographic effects.

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Game and Fresh Water Fish Commission - In an effort to help streamline permitting procedures between the Game and Fresh Water Fish Commission, the Department of Natural Resources, and the Trustees of the Internal Improvement Trust Fund, we are deferring our comments on this project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control will release certification for the project pending notification of approval from the Board of Trustees.

Staff recommends a dredge and construction permit be issued.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved issuance of the dredge and construction permit.

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DADE COUNTY - Construction Permit No. 13-22-0889

Consideration of an application from Metropolitan Dade County Public Works Department to construct a 42-inch storm sewer outfall and headwall in Section 34, Township 53 South, Range 41 East, Miami River, Dade County, was deferred at the request of Secretary of State Stone.

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MANATEE COUNTY - Extension of Dredge Permit No. 253.123-100A
(October 8, 1973)

APPLICANT: Manatee County Port Authority
c/o Mr. Herbert B. Hayes
Russell & Axon Consulting Engineers, Inc.
P. O. Box 1608, Bradenton, Florida 33506

PROJECT: To complete dredging the south side of the basin.

LOCATION: Section 1, Township 33 South, Range 17 East, Piney Point, Manatee County.

MATERIAL: All material removed will be placed on diked upland owned by the Port Authority.

PAYMENT: Not applicable; spoil desposited on dedicated lands.

ECOLOGICAL RESPONSES: Department of Natural Resources - Dredging in the existing boat basin should not have significant adverse effects on marine biological resources provided dredging is carefully done to minimize siltation.

Game and Fresh Water Fish Commission has no objection to the issuance of the original permit.

Department of Pollution Control has no objection to the issuance of the original permit.

NOTE: Original permit was approved on June 4, 1968; modified to include a turning basin on August 20, 1968; extended on November 16, 1971, until December 31, 1973, to coincide with the U. S. Corps of Engineers permit expiration date.

Staff recommends extension until November 17, 1974.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. O'Malley and Mr. Stone, and passed without objection, the Board approved the permit extension as recommended by the staff.

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-12A-

PUTNAM COUNTY - Bulkhead Line No. 54-35-1868
(October 2, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: A bulkhead line 150 feet long, more or less, established
by the Board of County Commissioners of Putnam County
by resolution adopted on June 12, 1973.

LOCATION: Section 38, Township 10 South, Range 27 East, St. Johns
River, Putnam County.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Game and Fresh Water Fish
Commission and Department of Pollution Control - See item "12C".

OTHERS: Board of County Commissioners of Putnam County approved
location of the bulkhead line by resolution June 12, 1973.

Staff recommends that the bulkhead line be approved.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Stone and passed
without objection, the Trustees approved the bulkhead line as
established on June 12, 1973, by the Board of County Commissioners
of Putnam County.

-12B-

PUTNAM COUNTY - Right of Way Easement No. 2524-54-253.03
(October 2, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Easement for public highway purposes as and for right
of way for public State Road No. 20. Some dredging and
filling is required.

LOCATION: A 19.70-acre parcel of sovereignty land in the St. Johns
River abutting Section 38, Township 10 South, Range 27
East, Putnam County.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Game and Fresh Water Fish
Commission and Department of Pollution Control - See item "12C".

Staff requests authority to issue easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Stone and passed
without objection, the Trustees authorized issuance of easement
to the Department of Transportation for public highway purposes
as and for right of way for State Road No. 20.

-12C-

PUTNAM COUNTY - Dredge Permit No. 54-31-1867
(October 2, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To dredge for channel relocation on the St. Johns River
to fill and bulkhead .05 acre of submerged land and
construct a high rise bridge across St. Johns River.

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LOCATION: Section 38, Township 10 South, Range 27 East, St. Johns River, Putnam County.

MATERIAL: 12,842 cubic yards of material will be dredged and placed on privately-owned upland and 58 cubic yards of fill material will be placed on .05 acre of submerged lands.

PAYMENT: \$6,241 for dredged material or payment at the Putnam County rate of \$0.50 per cubic yard to be received for all spoil material except that amount put to a public use certified by the using agency.

ECOLOGICAL RESPONSES: Department of Natural Resources: March 20, 1973 - Bottoms in the proposed dredge area consist principally of coarse silt and organic material, and dragnet samples in the area yielded numerous amphipods. The proposed dredging would probably eliminate these organisms and their food source but only temporarily.

In summary, our principal objection to the proposed bridge construction plans is the deposition of spoil on submerged bottoms. The proposed channel dredging and the filling of 0.05 acres of submerged lands should have only limited adverse effects on biological resources in the St. Johns River. The proposed use of sloping rip-rap bulkheads at land water interfaces is preferable to vertical seawalls. Some means of reducing the sediment load in road runoff would limit further damage to near-shore habitats that are being adversely affected by existing drainage facilities.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

September 19, 1973: Every aspect of concern to this office regarding disposition of spoil has been satisfactorily resolved by the Department of Transportation.

Game and Fresh Water Fish Commission - February 25, 1971: Replacement of the old bridge with a new high level bridge should have no significant effect on fish or wildlife resources. It has been suggested that the material obtained from demolition of the old bridge be used to fill marshland on the west bank of the river south of downtown Palatka and also on the east bank south of and adjacent to the existing causeway. We will provide our comments on this proposal if it is reported to the Trustees of the Internal Improvement Trust Fund with a more definite project plan.

The realignment of the channel through the high level bridge will require removal of material which is not suitable for construction of the new causeway. This material should also be pumped to the spoil area designated by the U. S. Army Corps of Engineers, and again a down spout and a diaper should be used to reduce turbidity. The spoil area should exceed five feet in depth and fill should not be placed closer to the surface than three feet below mean low water.

February 25, 1973: Our comments submitted on February 25, 1971, to Mr. E. H. Hart, concerning this project still remain valid.

Department of Pollution Control concurs with the placement of the dredged materials on the proposed upland spoil areas. Your cooperation in obtaining an upland area for disposal of dredged material is commendable as it will appreciably reduce the effect on local water quality.

Certification will be issued upon notification of approval by the Cabinet.

OTHERS: 1. The Board of County Commissioners of Putnam County approved the dredge and fill permit by resolution on June 12, 1973.
2. Letter of October 25, 1973, from the Department of Transportation stating that the navigational clearances for the proposed bridge meet the requirements of the United States Coast Guard for navigation purposes.

Staff recommends that 1) dredge and fill permit be issued subject to the stipulations that spoil be deposited on adequately diked and baffled uplands and 2) that storm drainage systems be incorporated into the bridge and approach designs in order to minimize sediment load, floatable and dissolved pollutants from being directly discharged into the St. Johns River as recommended by Department of Natural Resources and to be approved by the state environmental agencies before release of the work order by the Department of Transportation.

ACTION OF THE TRUSTEES:

The agenda was corrected to read "Dredge Permit" instead of "Construction Permit."

Mr. Jay Brown of the Department of Transportation requested approval of the permit and deletion of the second part of the staff recommendation as he did not agree technologically, thought it was unjustified at this time after a five-year period of planning the 4,100-foot long, four-lane high-level bridge to replace the two-lane Memorial Bridge on U. S. 17. He listed dates of various letters of approval from state and federal planning and environmental agencies that cited no adverse comments in regard to the location and design reports. He stated that from the date of the last letter, August 23, 1971, to March 20, 1973, DOT had proceeded with final design work for this project. He urged that the second recommendation be a suggestion instead of a requirement, a new concept to be addressed in future planning, as the state of the art had not reached the point that the DOT could include it in this project at an estimated additional cost of \$250,000.

Mr. O'Malley thought the estimate of additional cost was excessive and commented that some state agencies were finding themselves in the same position as private citizens, that before various permits are granted, certain things need to be guarded against to prevent pollution problems. He suggested additional consultation between the Department of Transportation, Department of Natural Resources and the Trustees' office, as he thought the drainage recommendation was a requirement.

Mr. Christian said the recommendation was good but was after-the-fact in this case, the bridge had been designed and ready to bid and build, the project would be delayed at great cost without being sure it was the proper thing to do without evidence that the Department of Transportation had not gone through the proper agencies.

Mr. Christian made a motion to approve issuance of the dredge permit with deletion of the second part of the recommendation. The motion died for lack of a second.

Mr. Stone considered this a good opportunity to attack the "state of the art" by using the expertise in design and experience of the Department of Transportation and in the natural and environmental sciences of the Trustees and the Department of Natural Resources, as he thought there should be a relatively inexpensive design to take care of storm water run-off not only of this bridge project but for the storm water problems in urban areas.

At the request of Mr. Stone, action was deferred for two weeks.

-13-

ESCAMBIA, SANTA ROSA AND OKALOOSA COUNTIES - Application for
Dedication File No. 2520-17, 57, 46 - 253.03 (September 28, 1973)

STAFF DESCRIPTION: The submerged lands lying south of the Intracoastal Waterway in Santa Rosa Sound and Choctawhatchee Bay and north of a line parallel to and one mile south of the mean high tide line of Santa Rosa Island, those certain submerged lands lying south of Fort Barrancas and Pensacola Lighthouse Reservations, and those certain submerged lands lying north and south of U. S. Naval Live Oaks Reservation, all lying and being in Township 2 South, Range 29 West and in

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Township 3 South, Ranges 23, 24, 25, 26, 27, 28 and 29 West, Escambia, Santa Rosa and Okaloosa Counties, Florida. (See Exhibit "A")

APPLICANT: United States of America Department of Interior
National Park Service
Florida - Caribbean District Office
P. O. Box 2764, Tallahassee, Florida 32304

PURPOSE: Gulf Islands National Seashore as authorized by an Act of Congress passed January 8, 1971, (Public Law 91-660).

BIOLOGICAL RESPONSES: Not applicable.

STAFF

REMARKS: These submerged lands would be dedicated to the National Park Service for inclusion in the Gulf Islands National Seashore and use for public recreation purposes. The Park Service advises that it will take steps to supervise, manage, protect and preserve the natural, cultural and historical features for the use and enjoyment of present and future generations.

Staff recommends dedicating all those submerged lands in Pensacola Bay, Santa Rosa Sound, Choctawhatchee Bay and the Gulf of Mexico adjacent to the uplands owned by the United States of America as more particularly described in Exhibit B, provided that this dedication shall terminate when the premises are no longer used for the purposes set out in the Gulf Islands National Seashore Law.

ACTION OF THE TRUSTEES:

The Executive Director reported that Tracts 08-105, 08-106, and 08-107, being those lands, title to which is in Eglin Air Force Base and shown as the eastern-most parcels on the map, were to be withdrawn from the application at the request of the Department of the Interior. He requested authority to execute the dedications on all the parcels in the application with the exception of those three tracts.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the modified staff recommendation was approved and the dedication authorized.

-14-

CHARLOTTE COUNTY - Oil and Gas Lease Bid

On October 2, 1973, the Board awarded a five-year oil and gas lease covering the reserved one-half interest of the State of Florida in the E½ of NW¼ of SW¼ of NW¼ and W½ of SE¼ of SW¼ of NW¼ of Section 16, Township 41 South, Range 24 East, Charlotte County, containing 5 net mineral acres to the high bidder, Kirby Petroleum Company and Shell Oil Company, based on the joint bid of \$145.

Examination of the legal notice appearing in the Tallahassee Democrat inviting bids for this lease reveals an error in the legal description resulting from failure to follow the copy furnished. Staff counsel has reviewed this matter and advises that because of this error it will be necessary to set aside the award, return the check accompanying the bid, and readvertise.

Recommend that action of the Trustees in awarding the lease to Kirby Petroleum Company and Shell Oil Company be rescinded, the bid check refunded, and authority be granted to readvertise for bids.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Conner and passed without objection, the Trustees rescinded the action on October 2, 1973, authorized the bid check refunded and granted authority to readvertise the reserved interest of the state for bids for oil and gas lease.

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BREVARD COUNTY - Public Hearing to Establish an Erosion
Control Line

APPLICANT: Brevard County Board of County Commissioners
c/o Richard H. Miller, Assistant County Attorney
Titusville, Florida

PROJECT: Requests the Board of Trustees to establish an erosion control line in accordance with the provisions of Section 161.51, Florida Statutes, for the purpose of beach nourishment.

LOCATION: Atlantic Ocean, Sections 12, 14, 23 and 26, Township 24 South, Range 37 East, Brevard County.

ECOLOGICAL RESPONSES: Department of Natural Resources - Certifies that severe beach erosion has occurred in the area encompassed by the project and that the beach has been substantially destroyed and may be completely destroyed in the immediate future unless a publicly financed program is undertaken.

Staff recommends that the Executive Director or his designee be authorized to hold a public hearing pursuant to the provisions of Chapter 161, Florida Statutes, and report to the Trustees for further disposition on their part, with reference to the requested erosion control line and beach nourishment project.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. O'Malley and passed without objection, the staff recommendation was approved as the action of the Board.

-16-

PINELLAS COUNTY - Erosion Control Line
(August 6, 1973)

APPLICANT: City of St. Petersburg Beach
c/o Gee and Jenson Consulting Engineers, Inc.
2019 Okeechobee Blvd., West Palm Beach, Florida 33401

PROJECT: To establish an erosion control line in accordance with the provisions of Section 161.151, Florida Statutes, for the purpose of nourishing 2,456 lineal feet, more or less, of eroded beach.

LOCATION: The Gulf of Mexico adjacent to Section 36, Township 31 South, Range 15 East and Section 1, Township 32 South, Range 15 East, Pinellas County. In Aquatic Preserve G-19.

STAFF REMARKS: Field Operations Division recommends approval.

ECOLOGICAL RESPONSES: Department of Natural Resources has reviewed the preliminary plans for the City of St. Petersburg Beach nourishment program and recommends approval, contingent upon Department of Natural Resources' approval of the final engineering design.

The Department of Natural Resources certifies that severe beach erosion has occurred in the area encompassed by the project and that this beach has been substantially destroyed and may be completely destroyed in the immediate future unless a publicly financed program is undertaken.

Game and Fresh Water Fish Commission deferred comments to the Department of Natural Resources.

Department of Pollution Control has no objections to the proposed project.

OTHERS: 1. The City of St. Petersburg Beach by Resolution No. 390 requests the Board of Trustees to establish the erosion control line for beach nourishment purposes.

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2. Division of Archives, History and Records Management - We have examined our site files and can find no evidence of threat to any archaeological sites in the proposed project.
3. A public hearing was held after proper public notice was given. A copy of the hearing report of the designee of the Executive Director is appended hereto as exhibit 16. Notice of this meeting, amounting to a continuation of the hearing, was mailed to Mr. George Manthos, the sole objector.
4. The City has justified the location of the erosion control line seaward of the present line of mean high water on engineering, on the basis of contribution of the riparian owners affected by the project, and on the strength of the city's ordinance which would prevent development of the beach involved.
5. A majority of the upland and riparian owners (computed on lineal feet of the surveyed line) consented in writing to establishment of the surveyed line as the erosion control line and acknowledged their understanding of the legal consequences of their written consent.

Staff recommends that the Board establish the erosion control line as surveyed by the City of St. Petersburg Beach and presented for consideration of the Trustees of the Internal Improvement Trust Fund at the public hearing held August 6, 1973, at the Municipal Building in St. Petersburg Beach.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that another part of this project was not yet resolved because of the source of fill material.

Motion was made by Mr. Dickinson, seconded by Mr. O'Malley and passed without objection, that the erosion control line be established as surveyed by the City of St. Petersburg Beach and recommended by the Trustees' staff.

-17-

HENDRY COUNTY - Application to Purchase
File No. 2479-26-253.36 (September 22, 1972)

STAFF DESCRIPTION: A parcel of filled sovereignty land in the Caloosahatchee River abutting Section 5, Township 43 South, Range 29 East, Hendry County.

CITY AND COUNTY: LaBelle, Hendry County

APPLICANT: William R. Burke, et ux
P. O. Box 304, LaBelle, Florida 33935

ACREAGE: 0.44
RATE PER ACRE: \$800 for the parcel

PROCESSING FEE: By staff appraiser on May 14, 1973.

PURPOSE: Zoning - R1A, single family.

BIOLOGICAL
REMARKS: Not applicable.

STAFF REMARKS: The parcel is a part of the old abandoned bed of the Caloosahatchee River and does not now border on the river. The Trustees have conveyed into private ownership the southerly half of the river bed to the southern bank riparian owners.

The Field Operations Division has no objection to the proposed sale.

The Central and Southern Florida Flood Control District has no objection to the proposed sale of land.

The applicants submit the following statement as to why the sale would be in the public interest: "In my opinion, transfer of title from the TIF to me and my wife to the 0.44 acres of abandoned river bed (as per map of ground survey previously submitted to your office) would be in order inasmuch as we are the

owners of record of the adjacent property; inasmuch as the 0.44 acres is not necessary for egress and ingress for other persons living in the area or for the public generally; inasmuch as we would then be in a position to maintain, care for, and beautify the subject area; ...".

On September 4, 1973, the Trustees authorized advertisement for objections only. Advertisement was made and an objection was received from the Florida Audubon Society.

Staff recommends that final action be deferred until local governmental authorities have been contacted.

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained that the staff originally recommended advertisement of the purchase application and subsequently, upon review of a letter of objection from Florida Audubon Society, requests that final action be deferred until local governmental authorities have been contacted in regard to the parcel of land.

On motion by Mr. Shevin, seconded by Mr. Conner and passed without objection, the Trustees deferred final action as recommended by the staff.

-18A-

GULF COUNTY - Bulkhead Line No. 23-35-1870
(October 3, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Bulkhead lines 795.99 feet long, more or less, and 160.00 feet long, more or less, established by the Board of County Commissioners of Gulf County by Resolution No. 73-16 adopted September 18, 1973.

LOCATION: Section 19, Township 9 South, Range 10 West, Money Bayou, Gulf County.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Game and Fresh Water Fish Commission and Department of Pollution Control - See item "18C".

OTHERS: Board of County Commissioners of Gulf County established the bulkhead line by resolution Number 73-16 on September 18, 1973, subject to approval by the Board of Trustees.

Staff recommends that the bulkhead line be approved.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Dickinson and passed without objection, the Board of Trustees approved the bulkhead line as established by resolution by the Board of County Commissioners of Gulf County on September 18, 1973.

-18B-

GULF COUNTY - Right of Way Easement and Temporary Easement for Detour, File No. 2525-23-253.03 (October 3, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Easement and temporary easement for detour as and for public highway purposes for public state road No. 30. No dredging or filling is required in Simmons Bayou. Some filling is required in Money Bayou.

LOCATION: 1. Two parcels of sovereignty land for right of way easement: a) 0.23-acre parcel in Money Bayou, Section 19, Township 9 South, Range 10 West, Gulf County.
b) 0.05-acre parcel in Simmons Bayou in Section 25, Township 8 South, Range 11 West, Gulf County.
2. 0.13-acre parcel for temporary easement for detour in Money Bayou, Section 19, Township 9 South, Range 10 West, Gulf County.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Game and Fresh Water Fish Commission and Department of Pollution Control - See item "18C".

Staff requests authority to issue easement and temporary easement for detour. The temporary easement shall terminate upon completion of construction.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of right of way easement and temporary easement for detour, the temporary easement to terminate upon completion of the construction.

-18C-

GULF COUNTY - Fill Permit No. 23-11-1871
(October 3, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To fill approximately 0.14 acres of submerged land for construction of a temporary detour route.

LOCATION: Section 19, Township 9 South, Range 10 West, State Road 30 at Money Bayou, Gulf County.

MATERIAL: Approximately 1,000 cubic yards of fill obtained from the uplands will be used for filling 0.14 acre of submerged land.

ECOLOGICAL RESPONSES: Department of Natural Resources: July 10, 1972 - According to Mr. Charles Dunn, District Design Engineer for the Department of Transportation, the temporary detour route will not include the small intertidal creek which connects a cordgrass marsh with Money Bayou. Since this creek will not be disturbed by the proposed detour route on the west side of the bayou, the project should have only limited adverse effects on marine biological resources if spoil is placed on uplands.

October 1, 1973 - After review of the referenced project, our report of July 10, 1972 still stands, providing that these plans will remain the same.

Bureau of Beaches and Shores - May 1, 1973: Based on a review of the subject plans and an on-site inspection, it appears improbable that this project will have any significantly adverse hydrographic effects.

The Environmental Protection Section of the Florida Game and Fresh Water Fish Commission has reviewed the above reference project and offers no objections to its implementation.

Department of Pollution Control - September 10, 1973: It is our understanding that dredging and filling associated with the bridge construction has been eliminated. However, there is still some filling required for the detour road. It is requested that this fill be held to a minimum and barriers constructed to prevent siltation and turbidity in the bayou. The fill is to be removed upon completion of the bridge.

October 11, 1973: This Department has reviewed the revised drawings as submitted and offer no objections to the project providing:

November 6, 1973

1. All fill be held to a minimum.
2. Barriers will be utilized to prevent siltation and turbidity in the bayous.
3. All fill for the detour road will be removed upon completion of the bridge.
4. In the areas where fill is necessary bulkheading shall be of sloping natural riprap type.

The required public notice for the project will be issued upon receipt of a complete application submitted through the Trustees.

OTHERS: Board of County Commissioners approved the fill permit by resolution number 73-16 on September 18, 1973.

Staff recommends that the fill permit be issued subject to the stipulations that 1) turbidity screens be used during all construction activities, 2) necessary bulkheads be constructed of sloping riprap, 3) all fill for the detour road construction be removed to the original contour upon completion of the bridge, 4) all spoil material be placed on high dry uplands upon removal of detour.

ACTION OF THE TRUSTEES:

As natural riprap was difficult to obtain, the Department of Transportation would substitute sand-bag riprap. Mr. Kuperberg requested deletion of the word "natural" from the recommendation and addition at the end of the words, "upon removal of detour."

On motion by Mr. Conner, seconded by Mr. Dickinson and passed without objection, the modified recommendation was approved as the action of the Board.

-19-

HILLSBOROUGH COUNTY - Construction Permit No. 29-23-0463

At the request of the Secretary of State, action was deferred on the application of Hillsborough County to construct a storm drainage outfall and a sewage treatment plant outfall into an artificial waterway in Section 23, Township 28 South, Range 17 East, Channel A, Sheldon Road in Hillsborough County.

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TRUSTEES' BUDGET

Copies of this agency's 1974-75 Fixed Capital Outlay Budget request and Legislative Budget Request were distributed to the board members for review on October 30, 1973.

Staff requests approval of the 1974-75 Fixed Capital Outlay and Legislative Budget Requests to allow formal submittal to the Department of Administration.

ACTION OF THE TRUSTEES:

On motion by Mr. Shevin, seconded by Mr. O'Malley and passed with the Governor abstaining from voting, the Board approved the 1974-75 Fixed Capital Outlay and Legislative Budget Requests for submittal to the Department of Administration.

Mr. O'Malley made a motion, seconded by Mr. Dickinson and passed without objection, to waive the rules to allow consideration of the following items added to the original printed agenda.

-21A-

PALM BEACH COUNTY - Dredge Permit No. 50-21-1273 (July 9, 1973)

November 6, 1973

On the agenda at the request of the Comptroller's office.

APPLICANT: Board of County Commissioners of Palm Beach County
P. O. Box 2429, West Palm Beach, Florida 33402

PROJECT: To dredge bottoms in Lake Osborne to remove organic material in effort to control aquatic weed growth.

LOCATION: Section 32, Township 44 South, Range 43 East,
Lake Osborne in John Prince Park, Palm Beach County.

MATERIAL: Approximately 250,000 cubic yards of material will be removed from the lake bottoms.

PAYMENT: The spoil material will be deposited on spoil site located within Palm Beach County Parks land.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management: The applicant proposes to dredge bottoms in Lake Osborne to remove organic material in an effort to control weeds. The amount of material to be removed is not stated on the application. Bottoms in Lake Osborne consist of silty sand and organic matter. Insect larvae and mussels inhabit the bottoms; the mussels were found on shallower bottoms (4 feet deep) near shore.

Dense growth of vegetation including elodea (Hydrilla), coontail (Ceratophyllum), yellow water lily (Nuphar), water lettuce (Pistia), and filamentous algae occur throughout much of the lake. Although the dense vegetation may be a nuisance to boaters and anglers, many animal species including gallinules, mosquitofish, snails, insects (hemipterans), and amphipods were found associated with the vegetation.

The effectiveness of dredging to control freshwater vegetation is questionable. Furthermore, because the vegetation plays a significant role in maintaining fish and invertebrate populations in the lake, any efforts to control vegetation should be coordinated with a long-term program for healthy vertebrate and invertebrate communities. The Florida Game and Fresh Water Fish Commission should be consulted on the sportfishing aspects of this application.

Bureau of Beaches and Shores: A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission: This project will be under close supervision by biologists of the Game and Fresh Water Fish Commission located in West Palm Beach. In addition, local representatives of the Palm Beach County Department of Pollution Control and the Trustees of the Internal Improvement Trust Fund have indicated that they will assist in supervising the operation. The permit should stipulate that representatives of these agencies will have the authority to temporarily stop the operation should a problem arise.

The applicant described the project as dredging for weed control. While the operation will aid in aquatic weed control, it will only be temporary. Therefore, we suggest that "weed control" not be written on the permit. We also suggest that a separate maintenance aquatic weed control program be implemented by Palm Beach County in conjunction with the proposed dredging.

In addition to a maintenance weed control program it is also the recommendation of this agency that the Palm Beach County Board of Commissioners consider implementing a partial lake drawdown in order to consolidate and oxidize detritus which has accumulated in the littoral zones.

Department of Pollution Control:

1. Spoil area B will be isolated from the nearby swamp by an existing sand bank and should have no adverse effect upon the swamp.
2. The plans for marsh and swamp west of Lake Osborne (south) are the future installation of culverts through the causeway and the diversion of Lake Worth Drainage District Canal L-14 through the area. These are not part of this application. The immediate plans are the dredging of a U-shaped channel with periodic "pot holes" and the

maintenance of the marsh.

3. The project is located in an area of major concern to the Game and Fresh Water Fish Commission. The Department of Pollution Control requests that the Game and Fresh Water Fish Commission be granted prime responsibility with the stipulation that they can discontinue (stop) the work immediately when there is an adverse effect by the dredging on the conditions in the John Prince Park.

The project is recommended for approval.

OTHERS: The Area Planning Board of Palm Beach County at its regular meeting of October 17, 1973, registered no objection to the processing of the application by local, State or Federal authorities.

Staff recommends a dredge permit be issued subject to the stipulation that the Game and Fresh Water Fish Commission will have paramount supervisory control of the operation with the authority to issue verbal cease and desist orders if deemed necessary.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. O'Malley and Mr. Dickinson, passed without objection, the staff recommendation was approved as the action of the Board.

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INDIAN RIVER COUNTY - Construction & Dredge Permit No. 31-20-0555
(October 11, 1973) Agendaed at request of

office of the Secretary of State.

APPLICANT: Ralmar Associates, Inc.
As successors to original applicant,
Carpa Development, Inc.
c/o Edward S. Jaffry
Suite 700, Barnett Bank Building
Tallahassee, Florida 32301

PROJECT: To construct a seawall, remove existing fill from a roadway, construct a bridge to Green Island and construct two upland water retention basins.

LOCATION: Section 30, Township 32 South, Range 40 East, Bethel Creek and Indian River, Indian River County.

MATERIAL: 7,080 cubic yards of dredged material will be removed and deposited on uplands.

PAYMENT: No payment required as the project is on privately-owned property.

STAFF REMARKS: Field Operations Division has no objection to issuance of this permit.

ECOLOGICAL RESPONSES: Department of Natural Resources: Survey and Management - October 11, 1973: The latest revision of this project (10-09-73) has removed the unacceptable aspects to which we referred in our last report (8-28-73) and we are satisfied that the project can now be performed without adverse effects upon marine resources.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - October 23, 1973: Relative to the latest revision (October 9, 1973) of this project, a member of our Environmental Protection Section met with Mr. Ed Jaffry of Carpa Development Inc. on October 12, 1973 and discussed this revision. Subsequent to this meeting our agency now believes that the project can be performed without significant adverse biological effects since it is now proposed that Green Island will not be divided into two islands and the only dredging will be to remove the existing plug-like fill located at the southeastern corner of the island.

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Department of Pollution Control - October 12, 1973: This Department has no objection to the project as shown on the revised drawing (dated 10-9-73) hand delivered on October 11, 1973, by Mr. Jaffry.

Staff recommends that the construction and dredge permit be issued.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees authorized issuance of the construction and dredge permit to Ralmar Associates, Inc.

Mr. Daniel U. Livermore, Jr., Assistant Counsel of Jacksonville Port Authority, representing General Counsel Ed Austin, asked to be heard regarding a letter from the Port Authority received by the members and the Trustees' office concerning a time dilemma. In January of this year the Trustees issued a maintenance dredging permit (16-21-0240) for a three-year period with a condition in the permit that Grassy Point open water spoil area would be available only until December 31 of this year. Unfortunately, the Authority did not receive the other required permits until October, had to advertise the work, and had been unable to get any bids for the work to be completed in December.

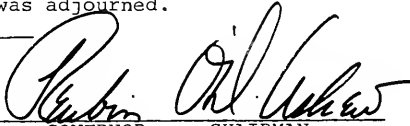
Because of the delay by the Corps of Engineers in issuing the permits, the Authority asked for waiver of the moratorium on an emergency basis, modification of the original permit from 145,000 cubic yards to only 40,000 cubic yards, and an additional 90 days to use the spoil area.

The Executive Director advised the members that the staff had discussed at great length the problem of dredging in the St. Johns River and pointed out to Mr. Scott, new manager of the Port Authority, the need for long-range planning. Mr. Scott had advised that the Corps of Engineers, U. S. Navy and the Port Authority were working on a physical model of the river at points where silting is a major problem. Funding was available, and a long-range plan would be forthcoming. Not having received that master plan, Mr. Kuperberg was unwilling to recommend waiver of the December 31 cut-off date for open water spoiling at Grassy Point area.

The Governor said the concern of the Authority should be demonstrated by expediting the information requested by the staff, and the matter would be reagendaed as soon as the staff could make a recommendation.

Treasurer O'Malley commented on the need of the staff to attract the type of people needed in field inspector positions consistent with environmental specialist positions in other environmental agencies. He asked Secretary Kenneth Ireland of the Department of Administration to review the field inspector classifications and offer some suggestions or comments.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

* * * * *

Tallahassee, Florida
November 20, 1973

The Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Department of Transportation with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

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The minutes of the meeting on October 16, 1973, were approved as submitted.

-2A-

PASCO COUNTY - Right of Way Easement File No. 2508-51-253.03
(January 11, 1973)

APPLICANT: Florida Power Corporation, c/o David J. Bower, Engineer
P. O. Box 14042, St. Petersburg, Florida 33733

PROJECT: Private bridge construction across the Anclote River to provide access for equipment, maintenance and personnel to the firm's Seven Springs Substation. The bridge is being constructed according to Department of Transportation specifications. No dredging or filling of submerged land is required.

LOCATION: 0.02-acre parcel of submerged land in the Anclote River in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 26 South, Range 16 East, Pasco County.

PAYMENT: \$100

STAFF REMARKS: The Field Operations Division has no objection to the project and recommends approval.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Game and Fresh Water Fish Commission and Department of Pollution Control - See Item "2B".

OTHERS: 1. The United States Coast Guard does not require a permit.
2. Pasco County offers no objection to the project.
3. The Southwest Florida Water Management District has issued a permit for the proposed construction.

Staff requests authority to issue easement for consideration of \$100, with provision that in the event the land ceases to be used for the purpose stated, the land shall revert to the Trustees.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. O'Malley, passed without objection, the staff request was approved as the action of the Board.

-2B-

PASCO COUNTY - Construction Permit No. 51-37-0333
(December 18, 1973)

APPLICANT: Florida Power Corporation
P. O. Box 14042, St. Petersburg, Florida 33733

November 20, 1973

PROJECT: To construct a 144-foot long private bridge across the Anclote River.

LOCATION: Section 22, Township 26 South, Range 16 East, Anclote River, Pasco County.

STAFF REMARKS: Field Operations Division recommends approval of the application as proposed.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management: The proposed bridge over the Anclote River should not have significant adverse effects on aquatic resources provided construction is contained within the easement previously cleared. By confining bridge construction to the cleared easement, natural vegetation along the Anclote River including bald cypress and pignut hickory would be preserved. The restoration of river banks at the existing wet crossing should not have adverse effects on aquatic resources. Shell and sand should be removed to restore river bottoms.

Division of Interior Resources: Based on a review of available plans and upon consultation with Mr. W. H. Mitchell, owner of the easement and surrounding lands, we offer no comments adverse to the project.

Game and Fresh Water Fish Commission - The applicant's proposal to construct an access bridge across the Anclote River should have minimal adverse effects on the fish and wildlife resources of this area provided all necessary precautions against siltation and filling below the mean high water line are adhered to.

Department of Pollution Control has reviewed the subject application and finds no objections to issuing certification pending approval by the Trustees.

OTHERS: 1. United States Coast Guard letter dated December 6, 1972, states that a Coast Guard Permit is not required.
2. Southwest Florida Water Management District letter dated June 27, 1973, extended their permit until December 31, 1973.
3. Board of County Commissioners, Pasco County, dated November 22, 1972, stated that Pasco County has no objections to the construction.

Staff recommends a construction permit be issued subject to the stipulations that 1) bridge construction is to be confined to the cleared easement and 2) turbidity screens be utilized during the placement of bridge support structures.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. O'Malley, passed without objection, the staff recommendation was approved as the action of the Board.

-3-

PALM BEACH COUNTY - Dredge Permit No. 50-20-0367
(January 22, 1973)

This application was deferred on October 2, 1973.

APPLICANT: William C. Bachman
c/o Hart Marine Construction, Inc.
837-30th Street, West Palm Beach, Florida 33407

PROJECT: To dredge a boat mooring area 18 feet by 45 feet and an access channel 80 feet long, 20 feet wide and 4 feet deep.

LOCATION: Section 10, Township 45 South, Range 43 East, Lake Worth, Palm Beach County

MATERIAL: Approximately 130 cubic yards of dredged material to be placed on a barge and carried away.

PAYMENT: A check for \$130.00 received as payment for 130 cubic yards of dredged material removed from state-owned submerged lands.

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STAFF REMARKS: Field Operations Division reports that the area is biologically significant and the permit should be denied. It is their recommendation that the applicant seek a variance from city regulations to allow him to construct a dock far enough out from his property to reach deep water - about 50 feet.

ECOLOGICAL
RESPONSES:

Department of Natural Resources - The proposed dredging would have only limited adverse effects on biological resources in Lake Worth provided siltation is controlled and the spoil is deposited on uplands. It is presumed that the spoil will be placed on an upland site and adequately contained to prevent runoff to public waters.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control - This department has no objection to the proposed project.

- OTHERS:
1. The Board of County Commissioners at its regular meeting of October 19, 1973, was of the opinion that this project is in the public interest.
 2. The Area Planning Board at its regular meeting on June 21, 1973, voted to register no objections to the processing of the application.
 3. The Town Commission of Manalapan at its meeting on October 12, 1973, assessed this project to be in the best interest of the public.

STAFF RECOMMENDS THAT THE DREDGE PERMIT BE USED.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. O'Malley, passed without objection, the Trustees authorized issuance of the dredge permit.

-4-

PALM BEACH COUNTY - Construction and Fill Permit No. 50-12-0378
(Revised June 21, 1973)

APPLICANT: August Urbanek c/o Foresight Inc.
Suite 209, 201 N. Federal Highway
Deerfield Beach, Florida 33441

PROJECT: To construct a seawall with riprap facing on the waterward side, a marginal wharf with 9 finger piers along the seawall, and backfill the area enclosed by the seawall.

LOCATION: Section 33, Township 46 South, Range 43 East, Tract II, Intracoastal Waterway, Palm Beach County.

MATERIAL: All fill material will be trucked in and deposited behind the seawall.

PAYMENT: Not applicable.

STAFF REMARKS: Field Operations Division recommends denial unless the applicant will agree to maintain mosquito canals and put riprap seawall at the mean high water line.

ECOLOGICAL RESPONSES: Department of Natural Resources, October 29, 1973: The revised sketch has been reviewed by the staff of the office of Survey and Management and meets with its approval.

Bureau of Beaches and Shores: July 9, 1973, - This Bureau offers no objection to the projects and it is improbable that they will have significant adverse hydrographic effects.

Survey and Management: January 10, 1973, The proposal would be more conservative if the seawall approximated the existing mean high water line by connection to the existing seawall to the north and angling in to

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meet the mean high water line at the southern end of the subject area. Riprap could be used at the base of the proposed seawall to afford a protective habitat for marine organisms and to dissipate wave energy.

Game and Fresh Water Fish Commission - Deferred to Department of Natural Resources.

Department of Pollution Control has no objection to the project as revised.

OTHERS: 1. The Town of Highland Beach has no objection provided a local permit is obtained following approval of Federal, State and County agencies.
2. The Board of County Commissioners of Palm Beach County is of the opinion that the project is in the public interest.
3. The applicant agrees to the recommendations.

Staff recommends issuance of Construction and Fill Permit No. 50-12-0378 with work subject to permit by the Town of Highland Beach.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and Mr. O'Malley, passed without objection, the Trustees authorized issuance of the permit with the provision recommended by the staff.

-5-

MONROE COUNTY - Construction Permit No. 44-39-0876E
(May 4, 1973)

APPLICANT: Carl Henne
1801 Sombrero Boulevard, Marathon, Florida 33050

PROJECT: To construct a vertical slab seawall at mean sea level on 90 feet of canal front property and 77 feet of ocean front property with a cantilever dock on the canal side.

LOCATION: Section 6, Township 66 South, Range 33 East, Atlantic Ocean, Monroe County.

STAFF REMARKS: Field Operations Division recommends approval of the portion within the artificial canal and recommends that the applicant use sloping riprap along the ocean front of his property.

NOTE: 1. Applicant has not responded to letter of August 28, 1973, requesting modification of the proposed project.
2. Processing time has lapsed as defined in Administrative Rule 18-5.47.

Staff recommends the construction permit be denied.

ACTION OF THE TRUSTEES:

No one was present to make a presentation on this application.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved the staff recommendation and denied the application for permit.

-6-

POLK COUNTY - Dredge Permit No. 53-21-0574E
(May 11, 1973)

APPLICANT: Caloosa Lake Village Civic Association, Inc.
c/o Michael L. Stuart, Chairman
Rt. 3, Box 650-28, Lake Wales, Florida 33853

PROJECT: To dredge for removal of a sandbar located at the entrance of an upland canal system.

LOCATION: Section 35, Township 30, Range 27 East, Crooked Lake, Polk County.

MATERIAL: 600 cubic yards of material to be dredged.

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PAYMENT: \$0.50 per cubic yard required for dredged material.

STAFF REMARKS: Field Operations recommends that the applicant first insure that the spoil is adequately taken care of in a project of this nature and feels that the application could still be handled under the exemption permit procedure if the applicant submits a revised sketch showing disposition of spoil and insures that proper turbidity controls are used.

NOTE: Applicant did not respond to staff's letter of July 11, 1973, requesting information on spoil site and turbidity controls to be utilized.

2. Processing time has lapsed as defined in Administrative Rule 18-5.47.

Staff recommends that the dredge permit be denied and applicant reapply under regular process.

ACTION OF THE TRUSTEES:

No one appeared to make a presentation on this application.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved the staff recommendation for denial and that applicant reapply under the regular permit procedure.

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OKALOOSA COUNTY - Dredge Permit No. 46-39-1231
(July 13, 1973)

APPLICANT: United States Air Force, Eglin AF Aux. Fld. No. 9
Base Civil Engineer, Hurlburt Field, Florida 32544

PROJECT: To maintenance dredge an access channel 740 feet long, 75 to 125 feet wide by -10 feet mean low water and an existing upland boat basin to -10 feet mean low water.

LOCATION: Section 13, Township 2 South, Range 25 West, Santa Rosa Sound, Okaloosa County.

MATERIAL: 9,100 cubic yards of material to be removed from state-owned submerged land and placed on the uplands owned by the Federal Government.

PAYMENT: The applicant has requested waiver of the \$.50 per cubic yard fee for material removed from sovereignty lands.

ECOLOGICAL RESPONSES: Department of Natural Resources, Survey and Management - The Air Force proposes to dredge the access channel and basin at its small boat marina on Santa Rosa Sound. Bottoms in the dredge areas are sandy, silty and unvegetated. Adjacent bottoms are also sandy and unvegetated; however, nearby areas on the south side of the sound are vegetated by sea grasses. If the entrance channel is reduced to a uniform width of 50 feet by 7 feet deep and sufficient dikes are constructed around the upland spoil site to retain the dredged materials, the maintenance project should have only limited adverse effects on marine biological resources in the area.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission deferred comments on this project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control has no objections to the subject projects provided adequate measures are taken by the applicant to minimize the effects of the induced turbidity during dredging operations. Certification for each project will be issued pending notification of favorable action by the Trustees.

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Staff recommends issuance of a dredge permit subject to the stipulations that 1) the entrance channel be dredged to a uniform width of 50 feet, a maximum depth of -7 feet mean low water 2) spoil material is deposited on adequately diked and baffled uplands, 3) turbidity control devices be used during dredging operations, and 4) material fee be waived upon proof that spoil will be placed on public lands and used for a public purpose.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley and passed without objection, that the staff recommendation for approval subject to stipulations as set out in the agenda be approved as the action of the Trustees.

-8-

OKALOOSA COUNTY - Dredge Permit No. 46-39-1230
(July 13, 1973)

APPLICANT: United States Air Force, Eglin AF Aux. Fld. No. 9
Base Civil Engineer, Hurlbert Field, Florida 32544

PROJECT: To perform maintenance of an existing channel and petroleum supply docking facility in an area 150 feet wide to 450 feet wide by 800 feet long to a depth of 15 feet mean low water.

LOCATION: Section 13, Township 12 South, Range 25 West, Santa Rosa Sound, Okaloosa County.

MATERIAL: 21,000 cubic yards of material to be removed from state-owned submerged lands and placed on uplands owned by the Federal Government.

PAYMENT: The applicant has requested a waiver of the \$.50 per cubic yard fee for material removed from navigable waters.

ECOLOGICAL RESPONSES: Department of Natural Resources, Survey and Management - Although the proposed maintenance dredging should not have significant adverse effects on marine biological resources in the immediate area, shallow bottoms on the south side of Santa Rosa Sound are well vegetated by sea grasses and should be protected from excessive siltation and turbidity. To protect the shallow vegetated areas, barge channel depth should be limited to 13 feet mean low water (the controlling depth of the Intracoastal Waterway), control diaphragms should be installed around the dredge area, and dikes should be installed around the spoil area to prevent turbid silt-laden waters from re-entering the sound.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse effects.

Game and Fresh Water Fish Commission deferred comments on the project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control has no objections to the subject projects provided adequate measures are taken by the applicant to minimize the effects of the induced turbidity during dredging operations. Certification for each project will be issued pending notification of favorable action by the Trustees.

Staff recommends issuance of a dredge permit subject to the stipulations that 1) the barge channel depth be limited to 13 feet mean low water 2) spoil be placed in adequately diked and baffled uplands 3) turbidity screens be used around the dredge site, 4) material fee be waived upon proof that spoil will be placed on public lands and used for a public purpose.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation for approval subject to stipulations listed on the agenda was accepted as the action of the Trustees.

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VOLUSIA COUNTY - Fill Permit No. 64-12-0383
(January 20, 1972)

APPLICANT: William S. Hathaway
P. O. Box 2092, New Smyrna Beach, Florida 32069

PROJECT: After-the-fact approval for a seawall approximately
35 feet long made with concrete-filled cloth bags.

LOCATION: Section 6, Township 17 South, Range 43 East, New Smyrna
Beach, Volusia County.

MATERIAL: Approximately 100 cubic yards of fill.

STAFF REMARKS: Field Operations does not object to the issuance of this after-the-fact permit but recommends that acceptable riprap material be substituted for the concrete rubble that Mr. Hathaway contemplates replacing.

ECOLOGICAL RESPONSES: Department of Natural Resources - Leaving the unauthorized bulkhead in place should not significantly affect marine biological resources if the design is adequate to withstand heavy wave action. Only a limited area has been filled in conjunction with the bulkhead. Removal of the bulkhead and fill would expose an unprotected shoreline to erosion forces. Riprap placed along the bulkhead would provide habitat for marine life and dissipate wave energy.

Game and Fresh Water Fish Commission - The applicant proceeded with the operation prior to our investigation and, therefore, we were unable to make a biological assessment of the resources involved or offer any modification to preserve or enhance these resources. Our agency does not believe that we should approve after-the-fact permit applications, to do so would give official sanction to an illegal act. If, however, the Corps of Engineers believes partial or total restoration of the resources of the project site is feasible we will be glad to offer our comments and suggestions on request.

Department of Pollution Control has inspected the subject project and has no objections to the small fill and bulkhead. It is our opinion that to remove the fill and bulkhead would create water quality problems.

NOTE: Two affidavits were received attesting to the loss of land by avulsion and artificially-induced erosion.

Staff recommends issuance of after-the-fact permit No. 64-13-0383 provided that suitable riprap material be substituted for the concrete rubble.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved issuance of the permit subject to use of suitable riprap material.

-10-

DUVAL COUNTY - Utility Installation Permit No. 16-23-1361
(July 23, 1973)

APPLICANT: Southern Bell Telephone & Telegraph Co.
871 Jacobs Building, Jacksonville, Florida 32202

PROJECT: To dredge to a depth of 2 feet below creek bottom and
backfill for the installation of a 12-inch duct conduit
system along State Road 212.

LOCATION: Section 48, Township 2 South, Range 27 East, Little
Pottsburg Creek, Duval County.

PAYMENT: \$50 received as the utility crossing processing fee.

ECOLOGICAL RESPONSES: Department of Natural Resources, Survey and Management - The proposed installation of a submarine conduit system

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across Little Pottsburg Creek south of Beach Boulevard (S.R. 212) should not significantly effect aquatic biological resources.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission reviewed the above-captioned permit application, and offers no objections to its issuance.

Department of Pollution Control has reviewed the above referenced project and intends to issue water quality certification pending notification of approval by the Trustees. The applicant will be notified that the use of a silt curtain will be made a requirement of certification.

Staff recommends issuance of a utility installation permit.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley and passed without objection, approving issuance of the utility installation permit.

-11-

JEFFERSON & MADISON COUNTIES - Dredge Permit No. 33 & 34-23-1226
(July 2, 1973)

APPLICANT: Florida Gas Transmission Co.
P. O. Box 44, Winter Park, Florida 32789

PROJECT: To dredge to a depth of 8 feet and backfill for installation of a 30-inch natural gas pipeline across the Aucilla River.

LOCATION: Section 15, Township 2 South, Range 5 East, Aucilla River, Jefferson and Madison Counties.

ECOLOGICAL RESPONSES: Department of Natural - Game and Fresh Water Fish Commission will do a biological survey for this project.

Game and Fresh Water Fish Commission - The applicant proposes to install a 30-inch natural gas pipeline across the Aucilla River approximately four miles south of Lamont. The pipe will be placed in a trench eight feet below the river bottom and will be backfilled after the installation of the pipeline. The new pipeline uses an existing right of way except where it angles off to the south, crosses the river approximately 400 feet downstream and then returns to the original right of way. This new crossing has been used to avoid potential maintenance and erosion problems of the original crossing.

This section of the Aucilla River has a narrow floodplain with upland vegetation types (flatwoods, tree farms and live oak-palmetto stands) occurring within a few yards of the channel. The river banks and lower areas immediately behind the banks support medium to large river birch, water oak, bald cypress and willow. Clearing the right of way for this "detour" will result in a 50 foot swath being cut through the existing forested areas and will detract somewhat from the aesthetic and wilderness values of this stream.

If the pipe is installed during a low flow period (usually November - December) there will be little or no damage to the river itself and we would have no objections to this proposal.

Department of Pollution Control: September 13, 1973 - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500.

Staff recommends issuance of a dredge permit, subject to the Game and Fish Commission's stipulation regarding dredging during low flow period.

ACTION OF THE TRUSTEES:

At the Director's request, added to the staff recommendation were the words "subject to the Game and Fish Commission stipulations regarding dredging during low flow period."

November 20, 1973

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the staff recommendation as modified was approved as the action of the Board.

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ST. LUCIE COUNTY - Dredge Permit No. 56-23-1493
(August 9, 1973)

APPLICANT: Florida Power & Light Co.
P. O. Box 3100, Miami, Florida 33101

PROJECT: To dredge to a depth of 12 inches across shallow submerged lands and 6 feet below submerged bottoms at the channel location and backfill for installation of a submarine cable.

LOCATION: Section 34, Township 35 South, Range 40 East, Indian River, North of Banty Saunders Bridge, St. Lucie County.

ECOLOGICAL RESPONSES: Department of Natural Resources, Survey and Management - The applicant proposes to install a submarine cable across the Indian River north of the Banty Saunders (North) Bridge and tie in to the ends of the causeway.

A recent installation of submarine telephone cable resulted in spoil deposits covering a strip of vegetated bottoms 20 to 40 feet wide and nearly 200 feet long. Spoil should be barged away from vegetated bottoms or otherwise handled to prevent extensive damage to this productive habitat.

Should it be deemed impossible for the applicant to avoid vegetated areas, every effort should be made to restrict damage to the narrow strip required for the installation of a submarine cable.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission has reviewed the above-captioned permit application, and offer no objections to its issuance.

Department of Pollution Control has no objections to the proposed subaqueous crossing providing methods used will not contribute to increased turbidity. It would be beneficial if the applicant would submit information as to exactly how the work is to be accomplished.

Staff recommends a dredge permit be issued subject to the exact alignment and installation technique being approved by the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and Mr. Conner, passed without objection, the Trustees approved issuance of the dredge permit subject to the conditions recommended by the staff.

-13-

INDIAN RIVER COUNTY - Modification of Utility Permit No. 31-23-0412
(Revised September 6, 1973)

APPLICANT: Southern Bell Telephone & Telegraph Co.
915 Middle River Drive, Ft. Lauderdale, Florida 33304

PROJECT: To dredge and backfill for installation of an air pipe to be placed in the same trench along with a previously permitted submarine cable.

LOCATION: Section 1, Township 33 South, Range 40 East, Indian River Indian River County.

ECOLOGICAL RESPONSES: Department of Natural Resources - The inclusion of a 1.5 inch diameter aluminum and polyethylene pipe with the submarine cable should not alter the environmental impact and our original report still applies.

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Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission deferred comments on the project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control has conducted a field inspection of the proposed project and does intend to issue water quality certification pending approval by the Trustees, and the outcome of its public review process.

OTHERS: Utility Installation Permit No. 31-23-0412 was originally issued on March 9, 1973 for the installation of a submarine cable across the Indian River.

Staff recommends approval of the modification.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and Mr. Conner, passed without objection, the Trustees authorized modification of the utility permit as recommended by the staff.

-14-

OKALOOSA COUNTY - Marina License and Construction Permit 46-30-0847E
(September 17, 1973, Revised)

APPLICANT: Pier I Apartments, Inc.
210 Pelham Street, Ft. Walton Beach, Florida 32548

PROJECT: To construct a 109 foot docking facility occupying 3,700 square feet of sovereignty lands.

LOCATION: Five Mile Bayou in Section 10, Township 2 South, Range 24 West, Okaloosa County.

PAYMENT: \$100 received as the minimum annual fee.

STAFF REMARKS: Field Operations Division has no objection to issuance of this dock permit.

ECOLOGICAL RESPONSES: Department of Pollution Control - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500.

Staff recommends issuance of a marina license and construction permit.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and Mr. Conner, passed without objection, the Trustees authorized issuance of a marina license and construction permit to the applicant.

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SARASOTA COUNTY - Marina License and Construction Permit 58-30-0877
(July 10, 1973)

APPLICANT: Robert A. Morris ALA
P. O. Box 4282, Sarasota, Florida 33573

PROJECT: To construct a commercial pavilion dock covering 1800 square feet of state-owned submerged lands.

LOCATION: Section 28 South $\frac{1}{2}$, Township 37 South, Range 18 East, Little Sarasota Bay, Sarasota County.

PAYMENT: \$100 received as the minimum annual fee.

STAFF REMARKS: Field Operations Division recommends approval of this project.

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ECOLOGICAL RESPONSES: Department of Natural Resources, Survey and Management - The applicant is proposing to construct a pavilion dock along the edge of a previously dredged channel. Red mangroves in the immediate area are mostly dead, apparently from natural causes. The proposed structure should have only limited adverse effects on marine habitat and the applicant would preserve natural vegetation along adjoining shorelines.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission has reviewed the above-captioned permit and has no objection to its issuance.

Department of Pollution Control - Certification will not be required for the subject project.

OTHERS: The Sarasota County Board of County Commissioners sitting as the Water and Navigation Control Authority on March 27, 1973, approved the application to construct a commercial dock.

Staff recommends issuance of a marina license and construction permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees authorized issuance of a marina license and construction permit as recommended by the staff.

-16A-

BAY COUNTY - Bulkhead Line Permit No. 03-35-1252
(October 9, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida

PROJECT: To approve bulkhead lines in Lynn Haven Bayou, one being 294 feet long, more or less, and the other 237 feet long, more or less, established by the City Commission of the City of Lynn Haven by Resolution adopted on December 10, 1972.

LOCATION: Section 8, Township 3 South, Range 14 West, Bay County.

ECOLOGICAL RESPONSES:
Department of Natural Resources, Department of Pollution Control and Game and Fresh Water Fish Commission - See Item "16C".

OTHERS: City Commission of the City of Lynn Haven established the bulkhead line in Lynn Haven by resolution adopted December 19, 1972.

Staff recommends approval of the bulkhead line.

ACTION OF THE TRUSTEES:

The bulkhead lines established by the City of Lynn Haven on December 10, 1972, were approved on motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection.

-16B-

BAY COUNTY - Right of Way Easement File No. 2522-03-253.03
(July 2, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Easement for public highway purposes as and for right of way for a public state road. Some dredging and filling of submerged land is required.

LOCATION: A 0.48-acre parcel of sovereignty land in Lynn Haven Bayou abutting Section 8, Township 3 South, Range 14 West, Bay County.

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ECOLOGICAL RESPONSES:

Department of Natural Resources, Game and Fresh Water Fish Commission and Department of Pollution Control - See Item "16C".

Staff requests authority to issue the right of way easement subject to acquisition of the upland ownership by the Department of Transportation.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the right of way easement to the Department of Transportation subject to the acquisition of the upland ownership by that department.

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BAY COUNTY - Dredge & Fill Permit No. 03-31-1251
(Revised October 9, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To dredge organic detritus from approximately 0.43 acre and backfill with clean material for the construction of a roadway.

LOCATION: Section 8, Township 3 South, Range 14 West, Lynn Haven Bayou, Fourteenth Street, Lynn Haven, Bay County.

MATERIAL: Approximately 800 cubic yards of material will be dredged and placed on public land at an upland site and approximately 1000 cubic yards of material will be used as fill.

PAYMENT: Applicant requests waiver of fees, as the dredged material will be placed on public uplands.

ECOLOGICAL RESPONSES: Department of Natural Resources, Survey and Management - The proposed concrete bridge will be approximately twice as long as the existing wood structure. Extending the length of the bridge opening should improve conditions by allowing better tidal exchange between the creek and marsh south of the roadway and the open bayou.

The proposed road construction will require some limited dredging and filling of adjacent marsh bottoms west of the bridge. Dredging and filling the narrow strips of cord grass and black rush marsh adjacent to the existing roadway will eliminate productive habitat but should not have significant adverse effects on marine biological resources if siltation and turbidity are controlled and the fill materials are retained within the designated area (15 to 18 feet wider than the existing fill).

Bureau of Beaches and Shores reviewed the revised project plans and recommends that a hydrographic survey not be required.

Game and Fresh Water Fish Commission has no objection to the revision.

Department of Pollution Control has no objection to the revised project.

OTHERS: The City Commission of the City of Lynn Haven, Bay County, granted a dredge and fill permit to the State of Florida, Department of Transportation, by resolution on December 19, 1972.

Staff recommends issuance of a dredge and fill permit subject to the stipulation that turbidity screens be used during dredge and fill operations.

ACTION OF THE TRUSTEES:

At the Director's request the staff recommendation was amended by adding "and waiver of fee for all spoil material placed on public uplands."

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the amended staff recommendation was approved as the action of the Board on the application for dredge and fill permit.

November 20, 1973

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OKALOOSA COUNTY - Marina License & Construction Permit No. 46-30-1768
(September 24, 1973)

APPLICANT: Okaloosa Island Authority
105 Santa Rosa Blvd., Ft. Walton Beach, Florida 32548

PROJECT: To construct a 400-foot extension to the existing fishing and recreation pier owned and operated by the Island Authority.

LOCATION: Township 2 South, Range 23 West, Santa Rosa Island SD, Okaloosa County.

PAYMENT: Applicant requests waiver of the annual fee of \$525.00 for the additional 26,250 square feet of state-owned submerged lands.

ECOLOGICAL RESPONSES: Department of Natural Resources, Survey and Management - Since the proposed pier extension will be placed on pilings and no dredging or filling is proposed, the project should not have significant adverse effects on marine biological resources. The sandy offshore bottoms and nearshore beach areas should not be altered either temporarily or permanently by unnecessary construction activities. The applicant is expected to take any steps that are necessary to minimize siltation and turbidity resulting from installation of the support pilings.

Bureau of Beach and Shores does not object to the proposed pier extension and noted that a Coastal Construction Permit would not be required for the project.

Game and Fresh Water Fish Commission - Our Environmental Protection Section has conducted an on-site survey of this proposal and reports that there should be little or no biological damage as a result of this pier extension.

Department of Pollution Control - Certifies that the following project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of the Environmental Protection Agency and have been proposed as the effluent limitations under Section 301(b) Public Law 92-500, Federal Water Pollution Control Act.

NOTE: ML-29 issued by the Board of Trustees on May 4, 1971, includes a 20-year waiver of fee with the option to renew for a period of 20 years.

Staff recommends issuance of a construction permit and a marina license modification to include waiver of license fee until May 4, 1991.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the modified permit and marina license and waived license fee until May 4, 1991.

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ST. JOHNS COUNTY - After-the-Fact Emergency Dredging
(October 30, 1973)

APPLICANT: Captain Nelson R. Hiller
Murphy Pacific Marine Salvage Company
17 Battery Place, New York, N.Y. 10004

PROJECT: To dredge sufficient sand from around ends and along sides of grounded motor vessel DOMBURGH to refloat and remove vessel and after refloating vessel, to backfill any low spots down to low water mark.

LOCATION: 1.3 miles south of St. Augustine Inlet, Atlantic Ocean, Conch Island, St. Johns County.

MATERIAL: Unknown amount of sand will be dredged and area backfilled to original contour.

November 20, 1973

PAYMENT: Not applicable.

STAFF REMARKS: By letter of October 24, 1973, State Environmental Agencies deferred emergency dredging operation supervisory authority to the U. S. Army Corps of Engineers with the stipulation that complete restoration of the beach will be accomplished by the U. S. Corps of Engineers subsequent to the emergency procedures.

Staff recommends that the Trustees ratify and confirm the action of the staff and issue an after-the-fact permit for the above project.

ACTION OF THE TRUSTEES:

The staff recommendations were approved by the Trustees on motion made by Mr. Stone, seconded by Mr. Dickinson and passed without objection.

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VOLUSIA COUNTY - Marina License Renewal No. ML-17
(September 7, 1973)

APPLICANT: City of Daytona Beach
P. O. Box 551, Daytona Beach, Florida 32015

PROJECT: To renew Marina License No. ML-17 for one year.

LOCATION: Section 39, Township 15 South, Range 33 East, Volusia County.

PAYMENT: Fee waived.

STAFF REMARKS: W. C. Stimmel, Field Inspector, made an on-site inspection on Tuesday, October 16, 1973, and reports that construction appears to have been carried out in accordance with the submitted drawings.

Staff recommends renewal of ML-17 with fee waived.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved renewal of Marina License ML-17 for one year and waiver of the fee.

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COLLIER COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Tribal Oil Company, Lafayette, Louisiana

REQUEST: Consideration of sealed bids for an oil and gas lease.

LOCATION: Section 16, Township 46 South, Range 28 East, containing 640 surface acres in Collier County.

INTEREST
OF STATE: Board of Education holds an undivided one-half interest in all petroleum and petroleum products in this privately-owned section as a result of Board of Education Deed No. 4385 dated March 8, 1951.

All proceeds from proposed lease will go to the School Fund.

On October 2, 1973, the Trustees authorized advertising a five-year oil and gas drilling lease for sealed bids. The lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/8 royalty and at least one test well drilled to a depth of 6,000 feet or through the Sunniland Formation, whichever is deeper. A special provision is included in the lease requiring lessee to present a satisfactory plan of exploration to the Big Cypress Advisory Committee if oil is discovered in a well to the north. This was the recommendation of the Committee because the land is in an area that appears to be a portion of the Corkscrew Swamp.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and Naples Daily News with bids to be opened at 10:00 a.m. (EST) on November 20, 1973, for consideration by the Trustees.
The right to reject any or all bids is reserved.

November 20, 1973

ACTION OF THE TRUSTEES:

The legal advertisement had contained an error in the date of the bid opening, showing November 29 instead of November 20. For this reason the Director requested deferral until the next meeting.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, consideration of oil and gas lease bids was deferred.

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NASSAU COUNTY - Dedication of State Forest Land

APPLICANT: Nassau County

REQUEST: Dedication of one acre of land to Nassau County for a fire department building.

LOCATION: One acre fronting on U. S. Highway 301 in Section 19, Township 1 South, Range 24 East, and being a part of the Cary State Forest in Nassau County.

The Board of County Commissioners of Nassau County by Resolution No. 153 adopted October 19, 1973, requests the Trustees to dedicate the one-acre parcel of land to the county for fire control purposes to be used by the Town of Bryceville for a volunteer fire department building. The county has agreed that the type of construction will be subject to approval of the Division of Forestry and will be compatible with other improvements within the Cary State Forest.

The Department of Agriculture and Consumer Services has reviewed and recommended this request as beneficial to the State, Nassau County and the Town of Bryceville.

Recommend dedication of the one-acre parcel to Nassau County for fire control purposes only, with a reverter clause in event of use for other than fire control purposes and for non-use for a period of two years and subject to all construction plans being approved by the Division of Forestry.

ACTION OF THE TRUSTEES:

The staff recommendations were approved as the action of the Board on motion by Mr. Christian, seconded by Mr. Stone and passed without objection.

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PALM BEACH COUNTY - Land Exchange

At the request of the Commissioner of Education, the Trustees deferred for two weeks the consideration of an application by the Department of Health and Rehabilitative Services, Division of Corrections, for exchange of 617.53 acres of land and improvements owned by U. S. Sugar Corporation for 643.17 acres of land and lesser improvements owned by the Trustees in Palm Beach County.

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PUTNAM COUNTY Dredge & Fill Permit No. 54-31-1867
(October 2, 1973)

This application was deferred on November 6, 1973.

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: To dredge for channel relocation on the St. Johns River to fill and bulkhead 0.05 acre of submerged land and construct a high rise bridge across the St. Johns River.

LOCATION: Section 38, Township 10 South, Range 27 East, St. Johns River, Putnam County.

November 20, 1973

MATERIAL: 12,842 cubic yards of material will be dredged and placed on privately-owned upland and 58 cubic yards of fill material will be placed on 0.05 acre of submerged lands.

PAYMENT: \$6,241 for dredged material at the Putnam County rate of \$0.50 per cubic yard to be received for all spoil material except that amount put to a public use certified by the using agency.

STAFF REMARKS: On November 6, 1973, the Trustees deferred action until state environmental agencies and the Department of Transportation resolved concerns over storm water runoff.

ECOLOGICAL RESPONSES:

Department of Natural Resources, November 13, 1973 - It was agreed at the interagency meeting on Friday, November 9, 1973, that it would be impractical and unreasonable to hold the Department of Transportation to the stipulation of providing modifications on the proposed bridge to collect surface runoff. It was also agreed that the suggested modifications for stormwater runoff leading to the approaches of the bridge could be considered separate and distinct from the bridge proposal itself. Consequently, it is acceptable to this office that the Department of Transportation be permitted to move forward with the construction of its bridge without either stipulation.

Since the time taken to resolve the stormwater runoff matter will not be an impediment to bridge construction, this office suggests that the subject be approached deliberately and intensively by the Department of Transportation with a view to solving problems other than confronted it on the Palatka Bridge. That is to say, Department of Transportation should inaugurate a research task force to develop practical, feasible structures which can help solve the urban runoff problem in Florida. They must realize that these outfalls constitute "point sources" of deleterious products originating from upland activities. These outfalls are to be found throughout the State of Florida, associated with highways, causeways, bridges, etc. It is hoped that the Department of Transportation will approach this problem in the spirit of solving, or making a major step towards solving, a problem which has become a major environmental concern. These outfall structures will be both pilot studies and demonstration models of a feasible solution to this problem and Department of Transportation's involvement in this effort will place it far ahead of its sister agencies in the effort to clean up the environment.

Game and Fresh Water Fish Commission, November 10, 1973 - Subsequent to the November 9, 1973, conference with Mr. Curran Schenck of the Department of Transportation and several state environmental agencies concerned with this project, our agency offers the following comments:

1. As presently proposed, it appears that the bridge itself should not cause any significant environmental degradation to the river.
2. Concerning the stormwater drainage aspects of this project as discussed at the conference, we believe that the proposed sediment traps installed at the terminal ends of the drainage outfalls should aid significantly in reducing the amount of biologically harmful pollutants received into the river.
3. We suggest that drainage model studies be conducted prior to the finalization of the design of the sediment traps. These studies should insure that the sediment traps will be sized accordingly in order to do the most efficient job in removing deleterious substances from the stormwater drainage.

Department of Pollution Control, November 13, 1973 - As a result of our discussion with Mr. Curran Schenck of the Department of Transportation last Friday, it is quite evident that Department of Transportation is becoming more cognizant of the deleterious effects that unobstructed storm water outfalls have upon the quality of water of the receiving body of water. This Department is delighted to see this move in Department of Transportation's highway design ideology. The Department of Transportation is encouraged to pursue further studies of other storm water runoff retention systems with the hope that a design can be found that would be acceptable for implementation in all future highway projects within the State of Florida. Toward this end, we look forward to viewing the model and to reading the study report of the initial system design with modifications proposed by Mr. Schenck and discussed at last Friday's meeting.

OTHERS: 1. The Board of County Commissioners of Putnam County approved the dredge and fill permit by resolution on June 21, 1973.
 2. Letter of October 25, 1973, from the Department of Transportation stating that the navigational clearances from the proposed bridge meet the requirements of the United States Coast Guard for navigational purposes.

Staff recommends a dredge and fill permit be issued subject to the installation of sediment traps at the terminal end of existing 36" & 48" drainage outfalls, the design to be determined by drainage model studies and interagency recommendations.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the staff recommendations were approved as the action of the Board on issuance of this dredge and fill permit.

Secretary of State Stone thanked the Department of Transportation and the working committee for resolving the problem of drainage.

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PALM BEACH COUNTY - Application for Dedication
 File No. 2515-50-253.03 (May 10, 1973)

Staff Description: A 0.21 acre parcel of sovereignty land in Lake Worth abutting Section 33, Township 42 South, Range 43 East.

CITY AND COUNTY: Riviera Beach, Palm Beach County

APPLICANT: Port of Palm Beach District

APPLICANT'S REPRESENTATIVE: Richard M. Miller, P. E.
 Gee & Jenson
 2019 Okeechobee Road, West Palm Beach, Florida

ACREAGE: 0.21 acre
 RATE PER ACRE: Not applicable

APPRAISAL: Not applicable

PURPOSE: To expand the port facilities in order to create docking facilities and cargo handling area.

ECOLOGICAL RESPONSES: Department of Natural Resources - The filling of the parcel would have only limited adverse effects on marine biological resources.

Game and Fresh Water Fish Commission - We have reviewed the above reference permit application and concur with the findings of the United States Department of the Interior, Bureau of Sport Fisheries and Wildlife, in their letter dated July 10, 1973.

Department of Pollution Control has no objection.

OTHER: 1. Area Planning Board of Palm Beach County has no objection.
 2. Board of County Commissioners of Palm Beach County has no objection and is of the opinion that the project is in the public interest.
 3. Town of Palm Beach by letter of July 13, 1972, objects to the project.
 4. U. S. Fish and Wildlife - The fill area in permit 72-0976 presently contains riprap materials which form an irregular surface valuable for tropical marine fishes. This area will be eliminated by port expansion. We have discussed with the applicant and its consulting engineer that this type of habitat would be desirable if included in the project plan in whatever areas this is possible. Apparently, the water oriented needs of the Port of Palm Beach necessitate the issuance of this permit for a vertical bulkhead. We will attempt in reviewing future applications to include some mitigation of habitat by adding these features to the plans whenever possible.

Because no suitable alternative exists to this water oriented project, the Bureau of Sport Fisheries and Wildlife has no further objection to issuance of this permit.

November 20, 1973

STAFF REMARKS: The Board of Commissioners of the Port of Palm Beach District by Resolution on November 27, 1972, requests dedication of the parcel, to be administered under the provisions of Chapter 7081, Special Acts of Florida, 1915, as amended and by Chapter 315, Florida Statutes. The resolution states that there are no commercial concessions anticipated other than the use of docking facilities and cargo handling areas by tenants and users of the port, pursuant to applicable laws.

The applicant is of the opinion that development of trade and commerce under law is designed to be in the public interest and the use of the land as well as the proposed construction is in the public interest.

The Field Operations Division has no objection to the project.

The parcel is landward of the established bulkhead line and the Port of Palm Beach District has filed with the Trustees Application No. 253.124-301 for a permit to construct a bulkhead and backfill the parcel with 4,700 cubic yards of material from an upland source.

The Trustees, on September 18, 1973, authorized advertisement for objections only. Advertisement was published and as of November 14, 1973, the date of this agenda as published, the following two objections have been received:

1. The Town of Palm Beach, and 2. Palm Beach Civic Association Inc., by its President, Raymond J. Kunkel.

Staff recommends a hearing on behalf of Trustees be held by the Executive Director or a member of his staff designated for that purpose by him in accordance with the provisions of Section 253.12(4), Florida Statutes.

ACTION OF THE TRUSTEES:

As objections had been received, Mr. Kuperberg recommended holding a public hearing on this request for dedication of a 0.21-acre parcel of sovereignty land in Lake Worth.

Mr. Shevin suggested clearing the application with the Division of State Planning. Mr. Dickinson said care should be taken to avoid any legal implications but in view of the very limited adverse effects noted in the biological reports and the statutory responsibility of the port he supported the request.

Mr. Lee K. Spencer, vice-chairman of the Commission of the Port of Palm Beach, urged approval of the dedication and issuance of a permit to construct a small marginal wharf. He pointed out the approval by the Area Planning Board, the Board of County Commissioners and the Town of Riviera Beach, that the objections were very minor, the project was in the interest of the public, and the application had been begun in March of 1972.

Mr. Sherman Weiss, staff legal counsel, informed the members that the statute provides when there is an objection to a sale the Trustees may hold a hearing in the county, does not provide for any particular notice of the hearing, and that one-time publication of notice giving a minimum of ten days' time would provide for any due process requirement.

Motion was made by Mr. O'Malley, seconded by Mr. Christian and approved without objection, deferring action on the application and directing the Executive Director to have a public hearing in the locality as expeditiously as possible, properly notify the objectors, and agenda the results of the hearing and staff recommendations for consideration of the Board as soon as possible.

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PALM BEACH COUNTY - Extension of Construction Permit
CP 50-30-0050

At the request of the staff, the application of Woodside Associates for extension of Permit CP 50-30-0050 was withdrawn from the agenda because of a telegram from the County Engineer of Palm Beach County, Herb Kahlert, requesting that the Trustees not grant the extension of time.

November 20, 1973

Mr. Kuperberg explained that the permit was good until December 31. The staff would review the whole matter and bring it back to the Board.

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TRUSTEES' FUNDS - Drainage District Assessments

The fiscal year 1972-73 Legislative Budget request for this agency was submitted November 1971, while this agency was funded entirely from Trust Funds. In December of 1971 a special legislative session changed the method of funding the agency and all subsequent appropriations were from general revenue effective January 1, 1972, in compliance with Chapter 71-981, Laws of Florida. In effect, the first six months of operations in FY 1971-72 was from Trust funds and the last six months of operations for FY 1971-72 was from general revenue funds.

The budget document as submitted in November 1971, included a line item of \$32,000 as drainage assessments. All previous assessments were paid from Trust funds.

The enactment of Chapter 71-981, Laws of Florida, raised certain questions concerning expenditures from the Internal Improvement Trust Fund as follows:

1. Is the Internal Improvement Trust Fund now required to pay four percent of income of a revenue nature to the general revenue fund as set forth in Florida Statutes 215.20 and 215.22(21)?
2. Is the Internal Improvement Trust Fund now required to pay twenty-five percent of proceeds of sale of state lands, lease of state lands, and sale, etc., of products in, on or under same as set forth in Florida Statutes 270.12 and 270.13?
3. Is the Internal Improvement Trust Fund required to pay certain Flood Control taxes as set forth in Florida Statutes 378.30(1)?

The Attorney General was requested to give his opinion. The Opinion summary was:

"Chapter 71-981, Laws of Florida, commits all revenues and receipts of the Trustees of the Internal Improvement Trust Fund to the acquisition of land through legislative appropriation and therefore supersedes Sections 215.20, and 215.22(20), 270.12, 270.13, and 378.30(1), to the extent that these statutes designate other uses for these funds." (072-115)

In concluding his Opinion, the Attorney General said: "The legislature is, of course, free by subsequent enactment to authorize the Trustees to make these specific payments. At this point, however, the latest expression of the legislative will prevails."

The change in methods of funding this agency and the Attorney General's opinion cited above, led to our fiscal officer's conclusion that drainage taxes could no longer be paid by the Trustees.

The June 30, 1973, statement of operations for this agency indicates that \$295,327 of the \$295,683 appropriated Expense Funds were expended for goods and services.

The effect is the FY 1972-73 appropriation was expended for items of need within the agency. No expenditures were made for drainage assessments. Subsequently, this assessment has been determined to be a genuine liability of the Board of Trustees of the Internal Improvement Trust Fund and the Board has no funds available from the FY 1972-73 appropriation from which to pay this liability.

The current year's appropriation is inadequate to continue operations and meet this old obligation.

AVAILABLE ALTERNATIVES:

1. This agency could submit a budget request to the Legislature requesting an appropriation from Trust Funds to settle this old obligation. Concurrently, this agency can suggest changes in the law that would allow the Trust Funds to be appropriated for expenses related to holding title to land, i.e., drainages assessments. Another action would be to ask for legislative review of the statutory authority of the drainage districts to assess state-owned land.

November 20, 1973

2. This agency could submit a budget request to the Legislature requesting a special appropriation from general revenue to settle this old obligation.
3. This agency could request funds be allocated from the emergency or deficiency fund to settle this old obligation.

Staff recommends that funds be budgeted for the fiscal year 1974-75 for the payment of drainage assessments on state lands as follows:

1. If the legislature wishes the Trustees to remain responsible for payment of drainage assessments, it appropriate by line item in the appropriation act funds for so doing.
2. That funds for payment of assessments due for years prior to 1974 be appropriated by line item in the appropriation act or by separate legislative act, or

The availability of funds permitting, the unpaid assessments for years prior to January 1, 1974, be paid from the emergency fund.

ACTION OF THE TRUSTEES:

Without objection the Trustees deferred action on drainage district assessments pending a review by the Attorney General and his opinion as to whether or not the Board is legally obligated.

Mr. M. Stephen Turner stated that the matter of 1972 assessments has been pending for over a year, there are 1973 assessments and also 1974 assessments that need to be budgeted for, and he asked that the matter be expedited.

On motion by Mr. O'Malley, seconded by Mr. Stone and adopted without objection, the Trustees waived the rules for consideration of additional applications not on the original printed agenda.

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DUVAL COUNTY - Extension of Maintenance Dredge Permit
No. 253.123-642 (November 5, 1973)

This item is placed on the agenda at the request of the Commissioner of Education.

APPLICANT: Jacksonville Shipyards, Inc.
P. O. Box 2347, Jacksonville, Florida 32203

PROJECT: To dredge for the removal of accumulated river silt from drydocks and ship berths.

LOCATION: Sections 13 and 38, Township 2 South, Range 26 East and Sections 13 and 45, Township 2 South, Ranges 26 and 28 East, St. Johns River, Duval County. Not in an aquatic preserve.

MATERIAL: 110,000 cubic yards of material will be dredged annually from the drydock and ship berths and deposited on the Grassy Point spoil area, under perpetual easement to the Jacksonville Port Authority granted by Chapter 73-359, Laws of Florida Acts of 1973.

PAYMENT: \$50 received as payment of the dredge permit processing fee. State-owned lands are not involved.

Staff recommends the extension of dredge permit No. 253.123-642 for one year, with stipulation that future requests for extension be in accordance with the Jacksonville Port Authority's master plan.

ACTION OF THE TRUSTEES:

Mr. Kuperberg asked that the words "for 6 months" be added to the staff recommendation before the phrase "with the stipulation."

Mr. O'Malley, commenting that part of the problem resulted from delay in getting the Corps of Engineers' permit and that maintenance dredging is an on-going problem, made a motion that the permit be extended for a year.

Mr. Stone seconded the motion that passed without objection.

Secretary of State Stone called attention to a number of houses fronting on a canal between 58th Street and the ocean in Plantation Landing, Plantation Isles, Broward County, that are in danger of being undermined as a result of extremely heavy rains. He asked the Director to make an investigation to see if emergency permits might be granted for rebuilding seawalls in the same locations.

The Director advised that field investigations were being made, and if any of the problems exceeds the exemption requirements the Board will be advised and additional emergency authority requested.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR
* * * * *

Tallahassee, Florida
December 4, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Haydon Burns Building with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

Action taken by the Board at this meeting was pursuant to unanimous vote of the five members present, unless the contrary is specifically reflected in the minutes.

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The minutes of the meeting of November 6, 1973, were approved as submitted.

-2-

ALACHUA COUNTY - Confirm a Public Sale of Murphy Act Land
(November 1, 1973)

LAND DESCRIPTION: Lot 8, Bailey Survey, Plat Book A, page 53,
Public Records of Alachua County, Florida.

LOCATION: This lot is a rectangular parcel of land 155 feet by 264 feet, situated at or immediately south of State Road 325 and fronting on Grove Street, an unopened 40-foot right of way which emerges with State Road 325 on the north boundary of the lot.

APPRAISAL: By staff appraiser, \$800.

AUTHORITY

FOR SALE: Section 197.350, Florida Statutes

December 4, 1973

DATE OF
SALE: October 30, 1973, by the Clerk of the Circuit Court
of Alachua County, Florida.

HIGH
BIDDER: Ralph V. Hadley and Clare C. Hadley, his wife.

HIGH BID: \$800

Recommend confirmation of sale of this parcel of land to Ralph V. Hadley and Clare C. Hadley, his wife, high bidder, for \$800 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed with five affirmative votes, the Trustees confirmed sale of this parcel of Murphy Act land to the high bidder as recommended by the staff.

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CITRUS COUNTY - Murphy Act Land Lease

APPLICANT: Division of Forestry
Department of Agriculture and Consumer Services

REQUEST: Lease of Murphy Act parcel of land for forestry purposes.

LOCATION: That part of the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, lying west of the railroad right of way in Section 26, Township 20 South, Range 19 East, containing 9.4 acres, more or less, in Citrus County.

This parcel of land reverted to the State of Florida by Tax Sale Certificate 3124, Sale of 1933, under Chapter 18296, Acts of 1937 (Murphy Act), and is shown on Trustees' records as uncommitted land. As the land is adjacent to the Withlacoochee State Forest in Citrus County, the Division of Forestry recommends that the parcel be made a part of the state forest.

Recommend that this 9.4-acre parcel of land be withdrawn from sale and leased to the Department of Agriculture and Consumer Services for public forestry purposes as provided for in Section 197.350, Florida Statutes.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed with five affirmative votes, the Trustees withdrew from sale this 9.4 acres of Murphy Act land in Citrus County and approved lease of the land to the Department of Agriculture and Consumer Services for public forestry purposes under provisions of Section 197.350, Florida Statutes.

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MARION COUNTY - Confirm a Public Sale of Murphy Act Land
(November 2, 1973)

LAND

DESCRIPTION: 1 acre 70 yards square in SW corner of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and a contiguous parcel commencing 70 yards north of SW corner of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, thence North 70 yards East 70 yards South 70 yards West 70 yards, Section 3, Township 13 South, Range 22 East, Marion County, Florida.

NW $\frac{1}{4}$ of Block 10, Benedict Heights, Section 18, Township 13 South, Range 21 East, Marion County, Florida.

LOCATION: The first two parcels of land described above are in Section 3 adjoining the Citra delimited urban compact area, approximately 1 $\frac{1}{2}$ miles south of the heart of Citra, Florida.

The third parcel of land is within the rural community

of Fairfield which is in the northwest section of Marion County.

APPRAISAL: By staff appraiser, first two parcels \$650, third parcel \$1,000.

AUTHORITY

FOR SALE: Section 197.350, Florida Statutes.

DATE OF SALE: October 31, 1973, by the Clerk of the Circuit Court of Marion County, Florida.

HIGH BIDDER: Rufus H. Munn

HIGH BID: \$1,650

Recommend confirmation of sale of these parcels of land to Rufus H. Munn, high bidder, for \$1,650 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed with five affirmative votes, the Trustees confirmed sale of the Murphy Act land to the high bidder as recommended by the staff.

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PALM BEACH AND HENDRY COUNTIES - Advertise for Oil and Gas Lease

APPLICANT: Shell Oil Company
New Orleans, Louisiana

REQUEST: Advertise an oil and gas drilling lease for bids.

LOCATION: All of Section 36, Township 45 South, Range 34 East, 644 acres; 480 acres in Section 1 and 600 acres in Section 13, Township 46 South, Range 34 East, Hendry County.

All of Section 31, Township 45 South, Range 35 East, 640.08 acres; 480 acres in Section 5; all of Sections 7 and 19, 128 acres; 520 acres in Section 17; 540 acres in Section 21, all of Section 28, 640 acres, and 570 acres in Section 29, Township 46 South, Range 35 East, Palm Beach County.

These lands lie approximately 12 miles south of Lake Okeechobee and 1 mile west of Miami Canal in an area utilized for agriculture purposes.

INTEREST OF STATE: The State of Florida holds an undivided one-half interest in all petroleum and petroleum products in 3,480.08 acres of this land as a result of Murphy Act Deeds 2014, 2636, 2915-J, 2918-J, 2919-J, Palm Beach County, and Deeds 82 and 108, Hendry County.

The Board of Trustees holds an undivided one-half interest in all petroleum and petroleum products in 644 acres of this land as a result of Trustees Deed 19751, and the Board of Trustees holds a full interest in the petroleum and petroleum products in 2,270 acres of this land.

The total surface acres of the area requested for lease is 6,394.08 acres with a net mineral acre total of 4,332.04. All proceeds from the proposed lease will go to General Revenue unallocated and the Trustees' Trust Fund as the interest of each appears.

The Game and Fresh Water Fish Commission and Central and Southern Florida Flood Control District have reviewed this proposed lease and offer no objections.

This request has been reviewed by the Oil and Gas Coordinator, Bureau of Geology, Department of Natural Resources, who concurs in the following recommendation.

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Recommend advertising for sealed bids for a five-year primary term oil and gas drilling lease with annual rental of \$1 per net mineral acre, 1/8 royalty, \$50,000 surety bond and at least one test well every 2½ years drilled to a depth of 6,000 feet or to a depth sufficient to test the Sunniland Formation, whichever is deeper.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed with five affirmative votes, the Board authorized advertisement for sealed bids for an oil and gas drilling lease as recommended by the staff.

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SANTA ROSA COUNTY - Advertise for Oil and Gas Lease

APPLICANT: Texas Gas Exploration Company
Houston, Texas

REQUEST: Advertise an oil and gas drilling lease for bids.

LOCATION: 2,120 surface acres, more or less, in Sections 5, 6, 7 and 8, Township 3 North, Range 26 West, Santa Rosa County, being a part of the Blackwater River State Forest.

INTEREST OF STATE: The Board of Trustees holds title to the fee with a 1/4 undivided interest in the petroleum and petroleum products. The United States owns the remaining 3/4 interest in the minerals.

All proceeds from the proposed lease will go to the Department of Agriculture and Consumer Services.

The Game and Fresh Water Fish Commission, which operates a Wildlife Management Area on this part of the Forest, and the Division of Forestry, have reviewed and approved offering these lands for lease.

This request has been reviewed by the Oil and Gas Coordinator, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term oil and gas drilling lease with annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one test well every 2½ years drilled to a depth of 6,000 feet or to a depth sufficient to test the Norphlet Sands.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed with five affirmative votes, the Board authorized advertisement for sealed bids for an oil and gas drilling lease as recommended by the staff.

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COLLIER COUNTY - Consideration of Oil and Gas Lease Bids

This matter was on the November 20 agenda as Item #20 for consideration of bids. However, as one legal ad called for bids to be opened on November 29, the bid received was held unopened upon advice of counsel until the next meeting of the Board on December 4.

APPLICANT: Tribal Oil Company, Lafayette, Louisiana

REQUEST: Consideration of sealed bids for an oil and gas lease.

LOCATION: Section 16, Township 46 South, Range 28 East, containing 640 surface acres in Collier County.

INTEREST OF STATE: Board of Education holds an undivided one-half interest in all petroleum and petroleum products in this privately-owned section as a result of Board of Education Deed No. 4385 dated March 8, 1951.

All proceeds from proposed lease will go to the School Fund.

On October 2, 1973, the Trustees authorized advertising a five-year oil and gas drilling lease for sealed bids. The lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/8 royalty and at least one test well drilled to a depth of 6,000 feet or through the Sunniland Formation, whichever is deeper. A special provision is included in the lease requiring lessee to present a satisfactory plan of exploration to the Big Cypress Advisory Committee if oil is discovered in a well to the north. This was the recommendation of the Committee because the land is in an area that appears to be a portion of the Corkscrew Swamp.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and Naples Daily News with bids to be opened at 10:00 a.m. (EST) on November 20, 1973, for consideration by the Trustees. The right to reject any or all bids is reserved.

ACTION OF THE TRUSTEES:

The Director opened the one sealed bid that had been received from Dalco Oil Company of Dallas, Texas, and read to the Board the amount of the total consideration, \$5,123.20, for 320 net mineral acres. This amount was the first year's rental of \$320.00 plus a bonus bid of \$4,803.20 (\$15.01 per acre bonus).

Mr. Kuperberg recommended that in the absence of James T. Williams, Director of Land Records Division of the Trustees' office, the Board receive the bid and defer awarding of the lease until the next meeting.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, action on the lease bid was deferred.

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PALM BEACH COUNTY - Land Exchange

On November 20, this matter was deferred at the request of the Commissioner of Education.

APPLICANT: Department of Health and Rehabilitative Services
Division of Corrections
Glades Correctional Institution, Belle Glade, Florida

REQUEST: Exchange of 617.53 acres of land and improvements owned by U. S. Sugar Corporation for 643.17 acres of land and lesser improvements owned by the Trustees.

LOCATION: U. S. Sugar Tract - All of Sections 8 and 17, Township 43 South, Range 39 East, lying north and east of West Palm Beach Canal, containing 617.53 acres, more or less, Palm Beach County.
State Tract - All of Section 5, Township 43 South, Range 39 East, and a 2.27 acre parcel of land in Section 1, Township 42 South, Range 38 East, containing 643.17 acres, more or less, Palm Beach County.

Both large tracts are fenced and cross-fenced, planted in pasture grass with a well and pump for every two pastures and a rock road running north to south through the center of each section. The U. S. Sugar tract has, additionally, a three-bedroom masonry house valued at \$17,800, cowpens with concrete slabs, loading ramps, new 20,000 pound capacity scales and a pumping station equipped with a 45,000 gpm and a 36,000 gpm pump and diesel engines.

The 2.27-acre parcel of land is requested by U. S. Sugar in the proposed exchange to give U. S. Sugar access between two units of its cattle operations and save 20 to 25 miles of travel between the two operations. This 200-foot wide strip of land is a part of a four section Agriculture Lease No. 1447 held by New Hope Sugar Co., Sugar Cane Farms Co, and Hatton Bros., Inc. These lessees have agreed to release the leasehold interest in the 2.27 acres if the state conveys to U. S. Sugar.

The Department of Health and Rehabilitative Services recommends the proposed exchange and states that due to increased feed costs,

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additional grazing land is needed by the Division of Corrections in the southern part of the state to accommodate approximately 400 head of beef calves from the northern institutions.

Staff appraiser has reviewed and approved the appraisal report of these two tracts prepared by Robert J. Callaway, M.A.I., which establishes the present market value of the U. S. Sugar tract to be \$426,000 and the state tract to be \$386,000. Although the state will receive 25.64 acres less in the exchange, the land and improvements to be received by the state have a value differential of \$40,000 in excess of the land to be deeded to U. S. Sugar.

Section 5 is presently subject to a ten-year grazing lease held by U. S. Sugar which expires in May 1974 or at the time this proposed exchange is finalized.

Recommend approval of this exchange subject to U. S. Sugar furnishing satisfactory evidence to show marketable title and subject to Palm Beach County advising that the County does not desire the land for public outdoor recreational purposes pursuant to Section 253.111, Florida Statutes.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed with five affirmative votes, the staff recommendation was approved as the action of the Board on this land exchange.

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VOLUSIA COUNTY - Application for Disclaimer, File No. 2518-64-253.129
(October 1, 1973)

DESCRIPTION: 0.13 acre parcel of filled sovereignty land in Indian River North abutting Section 33, Township 17 South, Range 34 East, Volusia County.

CITY AND COUNTY: Edgewater, Volusia County

APPLICANT: Herbert L. Blaun, Jr.

APPLICANT'S REPRESENTATIVE: Richard W. Withers, Attorney
P. O. Box 1911, Daytona Beach, Florida 32014

ACREAGE: 0.13 acre
RATE PER ACRE: Not applicable

APPRAISAL: Not applicable

PURPOSE: Not applicable

BIOLOGICAL COMMENTS: Not applicable

STAFF REMARKS: The applicant has made application pursuant to Section 253.129, which provides "The title to all lands heretofore filled or developed is herewith confirmed in the upland owners and the trustees shall on request issue a disclaimer to each such owner."

An affidavit has been submitted which states that the parcel has not been modified or changed in any manner since 1945. A second affidavit makes a similar statement and adds that the parcel was filled prior to 1945 by a predecessor in title.

Investigation by Field Operations Division confirms the above.

\$100 processing fee has been paid.

Staff requests authority to issue the disclaimer.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Stone and passed with five affirmative votes, to authorize issuance of the disclaimer to Herbert L. Blaun, Jr.

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DUVAL COUNTY - Dredge and Fill Permit No. 16-39-1165
(June 19, 1973)

APPLICANT: William Kimmerling, c/o W. E. Benjamin, P.E.
P. O. Box 6426, Jacksonville, Florida 32205

PROJECT: To dredge a channel approximately 1,000 feet long,
10 feet wide and 6 feet deep mean low water for
realignment of a segment of Strawberry Creek.

LOCATION: Sections 14 & 52, Township 2 South, Range 27 East,
Strawberry Creek, Jacksonville, Duval County. Not in
an aquatic preserve.

MATERIAL: 50,000 cubic yards of material will be dredged from
uplands and deposited on uplands and the natural creek
filled.

PAYMENT: \$50 received as dredge permit processing fee.

STAFF REMARKS: As a good portion of the creek above Arlington
Expressway has been channelized it may be difficult to justify a
denial of a permit for the channelization of this small section.
Accordingly, Field Operations has no objection to issuance of the
permit provided the recommendations of the Department of Natural
Resources are followed.

The section of the creek below the Arlington Expressway is still
very much in its natural state. Thus, any future proposal by any-
one to channelize or alter it in any way will be tested by Field
Operations in an entirely different light.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - While the
upper portions of Strawberry Creek have been greatly degraded by
residential and commercial development, channelization and storm
water discharge should be carefully evaluated and incorporated into
an overall drainage plan with adequate water control structures
and settling basins to protect the downstream portions of the
drainage system. If the proposed channelization is approved, flatter
side slopes and water control structures should be considered.

A hydrographic survey will not be required for this project.

Game and Fresh Water Fish Commission - The applicant proposes to
reroute and channelize Strawberry Creek in order to make room for
the construction of a restaurant and to allow for faster drainage
of the property. Much of the proposed work had already been com-
pleted when our biologist visited the area. Major portions of the
bypass canal had been excavated leaving only a series of plugs to
prevent the flow of water through this channel. The upstream portion
of the creek appears to have been ditched some time ago while the
downstream portion has been channelized quite recently. Much of the
area has been cleared and graded and the original vegetation has
been eliminated. This site has been significantly altered as a
result of this work and we feel that meaningful biological comments
would be difficult to make at this time.

If the work already completed required a permit and has been done
illegally, we would be glad to offer comments concerning restoration
or mitigation activities.

Department of Pollution Control has conducted a detailed review of
the subject project. The field review indicates that some of the
work has already been done. As in the past, any type of "after-the-
fact" projects need to be considered as such. This project has
been started but it is understood that work has been halted.

This project is indicative of many occurring in Jacksonville -- any
work which improves drainage, it is believed, cannot be deleterious.
In the case of this project the normal flow of Strawberry Creek will
be altered so that it flows through an artificial canal. This will,
in fact, improve the movement of previously stagnant water but it
will be through an unnatural system. In addition, a portion of
Strawberry Creek will be eliminated.

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The most acceptable solution would have been to deepen Strawberry Creek in order to improve the flow of water. This apparently would have caused the relocation of a building proposed for the site.

The Department of Pollution Control has the following comments for the project.

1. No concrete culverts should be placed in the artificial channel. The waterway system should remain as natural as possible.
2. Banks of canal should be sloped and vegetated with plants similar to those in area.
3. A construction set-back line should be established at least 100 feet on either side of the canal.
4. Work in Strawberry Creek should be halted until necessary permits and water certification are issued.

NOTE: The Department of Pollution Control has indicated they will require the above conditions be met before certification will be issued.

OTHERS: Department of Public Works, City of Jacksonville, letter dated May 15, 1973, approved the project for rerouting Strawberry Creek through Mr. Hutchinson's property.

Staff recommends a dredge permit be issued with the stipulations that the canal banks are graded to a 5:1 slope and revegetated with indigenous plants.

ACTION OF THE TRUSTEES:

Mr. Kuperberg advised the members that the applicant had accepted the stipulations.

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the dredge permit subject to the stipulations recommended by the staff.

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DUVAL COUNTY - Utility Installation Permit No. 16-23-1372
(July 23, 1973)

APPLICANT: Department of Public Works, City of Jacksonville
c/o Sverdrup & Parcel & Associates, Inc.
11 East Forsyth Street, Jacksonville, Florida 32202

PROJECT: To dredge and backfill for installation of a 12 inch cast iron subaqueous sewer line across a tidal creek.

LOCATION: Section 59, Township 2 South, Range 26 East, Unnamed Tidal Creek, Tributary to St. Johns River, Jacksonville, Duval County. Not in an aquatic preserve.

PAYMENT: \$50 received as the utility installation processing fee.

STAFF REMARKS: Field Operations recommends that the crossing be approved with the condition that there be minimum disturbance to the area below mean high water and maximum control of turbidity in the work area.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The applicant proposes to install a 12-inch subaqueous sewer line across a tidal creek connected to the Ortega River south of Lakeside Drive. The disturbance of these recently dredged creek bottoms should not significantly affect aquatic biological resources provided siltation is controlled. A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission has reviewed the above-captioned permit application, and offers no objections to its issuance.

Department of Pollution Control offers no objection.

Staff recommends issuance of a utility installation permit with the stipulation that turbidity screens be utilized during installation.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the utility installation permit with the stipulation recommended by the staff.

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DUVAL COUNTY - Utility Installation Permit No. 16-39-1276

The request of the City of Jacksonville Department of Public Works to dredge and backfill for installing a 30-inch temporary raw sewage outfall in order to consolidate present discharges from several smaller outfalls in Section 56, Township 2 South, Range 26 East, St. Johns River, was discussed and a number of questions asked.

The staff had been informed by the Department of Pollution Control that the project was in accord with a master plan and was an interim condition until July 1975, pending completion of a new sewage treatment plant. Mr. Kuperberg said to his knowledge there was no alternative.

Mr. Stone expressed objections and the Governor said that greater assurance was needed that there are no other alternatives, which might be furnished by representation from the City of Jacksonville and the Department of Pollution Control.

Without objection, the application was withdrawn from the agenda and rescheduled for the next meeting.

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MARTIN COUNTY - Dredging Permit No. 253.123-1154
(Revised August 6, 1973)

APPLICANT: Inn of Durango, Inc.
c/o Thurlow and Thurlow
Post Office Box 106, Stuart, Florida 33494

PROJECT: To dredge an access channel approximately 200 feet long, 30 feet wide to connect a boat basin to the Indian River.

LOCATION: Section 13, Township 37 South, Range 41 East, Indian River, Martin County. In Aquatic Preserve A-10.

MATERIAL: Approximately 185 cubic yards of material to be dredged from state-owned submerged lands.

PAYMENT: \$142.50 received as payment for 285 cubic yards of material to be removed on the original application.

Field Operations Division has no objections provided:

1. All spoiling be done above the mean high water line and adequately diked.
2. The mangrove shoreline be left in its natural state.

It is requested that our Area III office be contacted at the commencement of construction so we may monitor the project.

ECOLOGICAL RESPONSES:

July 31, 1972 - Survey and Management - The proposed channel and connection to the Indian River would eliminate mature intertidal red mangroves and near-shore, shallow bottoms vegetated by Cuban shoal-weed. The proposed spoil site has been previously cleared and spoiled.

The cumulative effect of projects of this nature could substantially affect water quality of the Indian River. Offshore dredging of the proposed channel would have only limited adverse effects on marine biological resources if siltation is controlled.

September 14, 1973 - Bureau of Beaches and Shores - This study utilized dye measurements in an existing waterway (Outrigger Marina) to predict the flushing characteristics of the proposed waterway. The dye study showed rather rapid dissipation of the dye (3% of the

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dye remaining after two days) indicating a high exchange rate between the marina and the Indian River.

In conclusion, the study shows that the water within the marina will be exchanged rather frequently with the water of the Indian River, particularly during the rainy season. This does not insure high water quality, since any foreign matter introduced into the marina will be flushed into the receiving body of water; however, it indicates that stagnation will not be a severe problem in the marina.

Game and Fresh Water Fish Commission - Water quality problems associated with similar basins in Florida have been well documented. The location of spoil sites in tidal mangrove habitats can substantially eliminate the mangrove's productive role as a food source in the leaf detritus food web, essential to various forms of aquatic life.

The existing basin should be corrected to a depth of no more than 5 feet; a plug with boat lift facilities would be more desirable. All spoil should be placed on the applicant's upland in well diked areas away from tidal wetlands or mangrove stands. Only minimal dredging should be allowed for the recommended access channel. The fullest protection should be given to the existing mangroves along the project area.

Department of Pollution Control - The minor revision to the subject project does not eliminate the problems outlined in our letter of denial dated November 20, 1972.

The project is still in Class II waters and Department policy regarding dredging in Class II waters has not changed.

Staff recommends the dredging permit be denied.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Christian and passed without objection, to approve the staff recommendation to deny the dredging permit.

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OKALOOSA COUNTY - Construction Permit No. 46-39-1065
(Revised November 14, 1973)

APPLICANT: Florida Universal Financial Corporation
Suite 202, 2 Eglin Parkway
Fort Walton Beach, Florida 32548

PROJECT: To remove an existing seawall and construct a 575-foot vertical seawall at the same location with riprap to be placed on the waterward side.

LOCATION: 6th mile west, Township 2 South, Range 22 West, Old East Pass, Destin, Okaloosa County. Not in an aquatic preserve.

PAYMENT: \$50 received as construction processing fee.

STAFF REMARKS: Field Operations Division recommends approval of the project as proposed provided the applicant agrees to riprap at toe of the proposed seawall.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The project, if executed carefully, should not disturb the adjacent submerged lands since dredging and filling is not proposed. The construction of the new seawall will not have adverse effects on marine biological resources.

Any fill that may be required behind the bulkhead should be obtained from upland sources.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is recommended that the applicant consider placing stone riprap at the seaward face of the seawall to reduce scour and wave reflection.

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Game and Fresh Water Fish Commission deferred comments on the project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control - Although this Department has no objections to the replacement of the existing seawall, it is recommended that natural riprap be placed waterward of new seawall. This would conform to the Department of Natural Resources' report.

OTHERS: In Regular Session on 24 May 1973, the Board of County Commissioners of Okaloosa County voted unanimously to grant local approval to rebuild the seawall.

Staff recommends issuance of a construction permit with the stipulations that fill material be obtained from upland sources and 3:1 sloping riprap be placed on the waterward face of the vertical seawall extending above the line of mean high water.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the permit subject to the stipulations recommended by the staff.

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ST. JOHNS COUNTY - Dredge Permit No. 55-39-1161
(Revised November 13, 1973)

APPLICANT: St. Augustine - Riviera Ltd.
RFD 1, Box 16K, St. Augustine, Florida 32084

PROJECT: To maintenance-dredge an existing drainage canal to
-6 inches mean low water.

LOCATION: Section 10, Township 8 South, Range 30 East, San Julian
Creek, Matanzas River, St. Augustine Beach, St. Johns
County.

Not in an aquatic preserve.

MATERIAL: 190 cubic yards of material will be dredged from state-
owned submerged lands and placed on uplands.

PAYMENT: \$80 received as payment for material to be removed from
state-owned submerged lands.

STAFF

REMARKS: Field Operations Division has no objection to the pro-
posed project.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The modifications on the revised application for this project, stipulating a dredge depth of -6 inches mean low water and 1,200 cubic yards, result in such a modification of the original plans that no adverse effects on marine resources are anticipated and a hydrographic survey will no longer be required.

Game and Fresh Water Fish Commission - We are deferring our comments on the above referenced project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control - has no objections to the proposed project providing:

1. An earthen plug should be left in place at the end of the existing canal until the maintenance dredging has been completed.
2. The removal of trash from San Julian Creek should be accomplished at low tide.
3. The dikes for the existing polishing pond should be strengthened to prevent further leakage into the creek and be accomplished at low tide.

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OTHERS: 1. The St. Johns County Board of County Commissioners at its meeting on Tuesday, June 12, 1973, unanimously voted no objections to improvements to Ocean Grove Campgrounds.
 2. Letter of November 1, 1972, from the St. Johns County Health Department requesting that the applicant take necessary action to correct a health hazard attributed to mosquito breeding areas.

Staff recommends a dredge permit be issued subject to the stipulations that (1) an earthen plug be left in place at the end of the canal until maintenance dredging to -6 inches mean low water has been completed, (2) removal of trash from San Julian Creek be performed at low tide, (3) dikes for existing polishing ponds be strengthened to prevent leakage into San Julian Creek and that such work be performed at low tide.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the permit with stipulations as recommended by the environmental agency and the staff.

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VOLUSIA COUNTY - Construction, Dredge & Fill Permit No. 64-39-1139
 (Revised November 5, 1973)

APPLICANT: City of Ormond Beach
 c/o Ed Parks, Administrative Assistant
 22 South Beach Street, Ormond Beach, Florida 32074

PROJECT: To construct seawall and backfill, construct three floating docks 32 feet long and 20 feet wide, two boat ramps 20 feet wide and 40 feet long, and to perform maintenance dredging in existing channel and boat basin.

LOCATION: Section 15, Township 14 South, Range 32 East, Halifax River, Ormond Beach, Volusia County. Not in an aquatic preserve.

MATERIAL: Approximately 5,400 cubic yards to be dredged and deposited at City Land Fill Area and approximately 1,500 cubic yards of fill to be brought in and deposited behind seawall on shore.

PAYMENT: \$50 received as processing fee.

STAFF REMARKS: Field Operations recommends denial of the project as proposed. Field Operations would not object if the applicant agrees to construction of a 1:5 sloping coquina riprap bulkhead constructed East of the proposed boat ramps and that the southeast bulkhead be eliminated due to a stabilized grassed shoreline. Intermittent dredging should be employed to reduce siltation of adjacent waters.

ECOLOGICAL RESPONSES:

Department of Natural Resources - The revised application to construct a seawall, docks, and a boat ramp would conserve most of the existing shoreline and shallow submerged bottoms. The revised plan would relocate the proposed seawall above the high water line except in the area of the existing docks on the south side of the causeway and for a short distance on the north side of the causeway where erosion has produced an irregular shoreline. A representative of the applicant agreed to relocate the seawall landward of all cordgrass and blackrush.

Game and Fresh Water Fish Commission deferred comments to the Survey and Management section of the Department of Natural Resources. Advise this office if you desire subsequent comments from the Game and Fresh Water Fish Commission on this proposal.

Department of Pollution Control - The project as shown on the drawings dated October, 1973, meets with this Department's approval. Certification will be released pending notification of Trustees' approval.

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OTHERS: United States Department of the Interior letter dated October 26, 1973, recommends denial unless the following recommendations are made a part of the issued permit:

a. The proposed bulkhead be relocated shoreward of the mean high water line above the cordgrass fringe, and b. the proposed boat ramps be located and constructed to minimize damage to the existing cordgrass fringe.

Staff recommends a construction, dredge and fill permit be issued with the stipulation that turbidity screens be utilized during all construction activities, which activities are to be in strict accord with the revised application drawing dated October 1973.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of construction dredge and fill permit with stipulations as recommended by the staff.

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OKALOOSA COUNTY - Renewal of Marina License No. 46-30-0129
(November 2, 1973)

APPLICANT: Diamondhead Manufacturing, Inc.
Building 16, Mobile Aerospace Industrial Complex
Mobile, Alabama 36605

PROJECT: To renew Marina License No. 46-30-0129 for one year.

LOCATION: East end of Old Pass Lagoon, Township 2 South, Range 22 West, Okaloosa County. Not in an aquatic preserve.

PAYMENT: The annual fee of \$176.00 has been tendered.

STAFF REMARKS: Field Operations Division has no objection to the renewal of the marina license since the construction has been performed in accordance with the approved plans.

Staff recommends renewal of the marina license for one year at the annual fee indicated.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, renewal of the marina license for one year was approved by the Board.

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DADE COUNTY - Dredge Permit No. 13-39-1300
(July 16, 1973)

APPLICANT: Metropolitan Dade County Department of Public Works
1351 Northwest 12 Street, Miami, Florida 33125

PROJECT: To dredge an area 500 feet by 7,500 feet on the north side of the new Port of Miami to -36 feet mean low water and another area of 9,000 square yards on the west side of the new Port of Miami to -32 feet mean low water.

LOCATION: Section 5, Township 54 South, Range 42 East, Biscayne Bay, City of Miami, Dade County. Not in an aquatic preserve.

MATERIAL: Approximately 1,100,000 cubic yards of material will be dredged from city-owned submerged bottoms and deposited on Virginia Key, Old Port Site.

PAYMENT: Not applicable; state-owned lands not involved.

ECOLOGICAL RESPONSES:
Department of Natural Resources, Survey and Management - Depths

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in the large dredge area approach the desired control depth. Bottoms are unvegetated and composed of black silt covered by a thin layer of brown silt. Bottoms in the slips consist of soft silt containing less shell fragments than observed in the dredge areas. The order of operations in the old Port area would be: 1) the mouths of the slips would be enclosed by turbidity barriers, 2) a dike would be pumped around the area, 3) weirs would be installed in the dike, 4) turbidity barriers would be moved to enclose the weir discharge, and 5) the area would be filled.

Although the quantities of materials in this dredge and fill project are massive, both the dredge areas and the fill areas have already been extensively altered. If turbidity is adequately controlled, this project should have limited additional direct adverse effects on marine biological resources.

This office requests that it be notified of the time of initiation of this project in order that it might periodically sample the materials which are dredged up.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission has reviewed the permit application, and offers no objections to its issuance.

Department of Pollution Control - Certification will be issued pending favorable public review and notification of approval by the Trustees.

OTHERS: Resolution No. R-1328-72, adopted by the Board of County Commissioners of Dade County on September 7, 1972, approved the addition of certain extensions, enlargements and improvements to Port of Miami Development Program "B", Phase III, passed and adopted on February 8, 1973, by the City of Miami.

Staff recommends a dredge permit be issued with the stipulations that the dredging be conducted concurrently with the Miami Harbor Deepening Project, the siltation be adequately controlled at the dredge and spoil sites, and that the Department of Natural Resources, Survey and Management, be notified of the time of initiation of this project-

ACTION OF THE TRUSTEES:

The Director asked that the staff recommendation be amended by deleting the word "and" following "Harbor Deepening Project", inserting a comma there, and adding after "spoil sites" the following: "and that the Department of Natural Resources, Survey and Management, be notified of the time of initiation of this project."

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the amended staff recommendation was approved as the action of the Board.

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BROWARD COUNTY - Dredge Permit No. 06-23-1369
(August 6, 1973)

APPLICANT: Southern Bell Telephone & Telegraph Co.
5100 North Federal Highway
Fort Lauderdale, Florida 33308

PROJECT: To dredge to a depth of 3-5 feet and backfill for installation of 2-4 inch steel conduits.

LOCATION: Section 29, Township 42 South, Range 43 East, Pompano Beach, Broward County. Not in an aquatic preserve.

MATERIAL: 65 cubic feet of material to be dredged and redeposited in the dredged trench.

PAYMENT: \$50 received as payment for processing fee.

December 4, 1973

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - There are vertical concrete seawalls on both side of the Hillsboro Inlet. Currents in the area are very strong and preclude any extensive benthic vegetation or surface fauna. This project should have limited adverse direct effects on marine biological resources provided dredging is kept to a minimum and, where possible, dredging during peak tidal flow periods is avoided.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse effects.

Game and Fresh Water Fish Commission has reviewed the permit application, and offers no objections to its issuance.

Department of Pollution Control has reviewed the application and offers no objections pending the outcome of its public notice review process. The Department will request the applicant to utilize turbidity control devices and suggest utilization of a hydraulic dredge for excavation.

Staff recommends a dredge permit be issued with the stipulations that turbidity screens be utilized during construction and that all construction activities be conducted during low tidal flow periods.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Trustees approved issuance of the permit with stipulations recommended by the staff.

-20-

HILLSBOROUGH COUNTY - Dredge Permit No. 29-21-1402
(July 30, 1973)

APPLICANT: Sulphur Terminals Company, Inc.
1200 Hibernia Bank Building
New Orleans, Louisiana 70112

PROJECT: To dredge to -34 feet m.l.w. an area 882.98 feet long and 86.2 feet wide for maintenance of an existing channel.

LOCATION: Section 30, Township 29 South, Range 19 East, Sparkman Channel, Tampa, Hillsborough County. Not in an aquatic preserve.

MATERIAL: Approximately 4,214 cubic yards of material will be dredged and placed on uplands.

PAYMENT: No payment received as the submerged lands are in the ownership of Tampa Port Authority.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed maintenance dredging should not have significant adverse effects on marine life. Shallow bottoms near shore will not be disturbed provided spoil is adequately contained on upland. A Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - We are deferring comments on the project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control - Certification will be issued pending approval of the project by the Trustees.

OTHERS: The Tampa Port Authority at its regular meeting held on July 10, 1973, approved Navigational Maintenance Dredge Permit Number TPA 73-4.

Staff recommends a dredge permit be issued with the stipulation that spoil material be placed on adequately diked and baffle uplands.

ACTION OF THE TRUSTEES:

The description of the project on the agenda was amended to read, "To dredge to -34 feet mean low water an area 882.98 feet long and 86.2 feet wide for maintenance of an existing channel."

On motion by Mr. Christian, seconded by Mr. Stone, the Trustees approved issuance of the dredge permit with the stipulation recommended as to placement of spoil material.

-21-

LEE COUNTY - Construction Permit No. 36-37-0864
(May 22, 1973)

APPLICANT: Lee County - Political Subdivision
Lee County Courthouse, Room 331
Fort Myers, Florida 33901

PROJECT: To construct a 228-foot long by 5-foot wide footbridge for access to Bowman's Beach.

LOCATION: Section 18, Township 46 South, Range 22 East, Blind Pass, Lee County. Not in an aquatic preserve.

PAYMENT: \$50 received processing fee.

STAFF REMARKS: Field Operations Division recommends approval of the proposed project.

ECOLOGICAL RESPONSES:

Department of Natural Resources - The plans described in this application meet with the approval of this office.

Game and Fresh Water Fish Commission offers no objection to this project.

Department of Pollution Control has no objection to the proposed bridge provided there is no alteration of existing shorelines and turbidity is controlled during construction. Certification will be issued upon notification that the Trustees permits has been issued.

Staff recommends a construction permit be issued with the stipulation that there is no alteration of the shorelines and turbidity is controlled during construction.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and Mr. Christian, passed without objection, the Trustees approved issuance of the permit with the stipulation recommended by the environmental agency.

-22-

MONROE COUNTY - Construction and Fill Permit No. 44-39-0805
(April 27, 1973)

APPLICANT: Dr. Max Tendrich
c/o Frank Uharek Surveyors and Engineers
Post Office Box 349, Route 1
Key Largo, Florida 33037

PROJECT: To construct a rip-rap seawall and to backfill in two areas, using material obtained from upland source.

LOCATION: Section 4, Township 63 South, Range 38 East, Atlantic Ocean. Not in an Aquatic Preserve.

MATERIAL: 8000 cubic yards of coral rock dredged from upland sources will be used as backfill.

PAYMENT: Payment for material not required, as the material will be obtained from uplands.

STAFF

REMARKS: Field Operations recommends that the project be approved provided the fringe of red mangroves is left intact.

ECOLOGICAL
RESPONSES:

Department of Natural Resources, Survey and Management - Tract A is almost entirely intertidal red and black mangroves. Tract B is mostly at or slightly above the apparent mean high tide elevation. There is a narrow fringe of intertidal red mangroves, shoreward of which are black and white mangroves; farther shoreward is a low Batis area. The filling of Tract B would have minimal adverse effects on marine biological resources if the rip-rap is placed landward of the intertidal red mangroves. The filling of Tract A will eliminate an area of healthy intertidal red and black mangroves and have permanent adverse effects on marine biological resources.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - The applicant proposes to fill an area along the Atlantic shoreline using material from an upland source. The site is divided into two tracts, A and B, on either side of an access channel connecting a boat basin with the Ocean. Tract A, on the north side, consists of a dense stand of red and black mangroves while tract B, to the south, is about half mangroves and half upland. The mangrove areas are entirely within the intertidal zone.

In order to preserve the biologically productive mangrove community, we recommend that no fill be placed on Tract A and that Tract B be filled no more than 50 feet east of the road dead-end. In conclusion, our agency recommends against the project as submitted because of the biological damage that would occur.

Department of Pollution Control - It is expected that water quality degradation will result by eliminating the area of red mangroves.

The Department of Pollution Control has received a letter of objection to the Public Notice which appeared in the "The Florida Keys Keynoter" dated May 24, 1973. As you realize we cannot issue "Certification" in accordance with Public Law 92-500, until all objections have been resolved.

Since it is expected that there will be water degradation, the project is not recommended for approval.

Staff recommends that the construction and fill permit be denied.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that the staff recommended denial because of the objections from all state agencies.

Motion was made by Mr. Christian, seconded by Mr. Stone and passed, to deny the application as recommended by the staff.

-23-

PALM BEACH COUNTY - Dredge and Construction Permit 50-20-0362.

Without objection, the Board withdrew from the agenda the application from South County Service Corporation to dredge a canal on uplands approximately 1,500 feet long with width from 80 to 165 feet, and to bulkhead the proposed canal with concrete seawall and riprap in Section 27, Township 42 South, Range 43 East, Lake Worth, City of Riviera Beach, Palm Beach County. By telegram James D. Carlton, president of the applicant firm, had requested withdrawal of the application from the agenda.

-24-

PALM BEACH COUNTY - Utility Permit No. 50-23-1370
(August 6, 1973)

APPLICANT: Southern Bell Telephone & Telegraph Company
5100 North Federal Highway
Fort Lauderdale, Florida 33308

December 4, 1973

PROJECT: To dredge to a depth of -6 feet for the installation of a submarine cable.

LOCATION: Section 22, Township 44 South, Range 43 East, Intra-coastal Waterway, Lake Worth, Palm Beach County, not in an aquatic preserve.

MATERIAL: Water-jet method to be employed for installation of the subaqueous cable.

PAYMENT: \$50 received as payment for the utility crossing processing fees.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed installation of a submarine cable across the unvegetated bottoms of Lake Worth north of the State Road 802 bridge should not significantly affect estuarine biological resources provided siltation is controlled.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse effects.

Game and Fresh Water Fish Commission has reviewed the permit application, and offers no objection to its issuance.

Department of Pollution Control - Certification will not be required for the subject project.

Staff recommends issuance of a utility permit with stipulations that the applicant obtain approval from State of Florida Department of Transportation for installation of the cable within the right-of-way of Lucerne Avenue and provided adequate measures are employed to control siltation.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board.

-25-

PALM BEACH COUNTY - Marina License & Construction Permit
No. 50-30-0022

APPLICANT: Colonades, Inc., c/o William G. Wallace, Inc.
105-6 Lakeview Building
North Palm Beach, Florida

On February 6, 1973, item 30 included a request that was approved by the Trustees to refund \$200 overpayment of the annual marina license fee. However, it has been determined that the overpayment was only \$100.

Staff requests authority to correct the minutes of February 6, 1973, to show approval of refund of \$100 overpayment.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized correction of the minutes of February 6, 1973, as requested.

-26-

ST. LUCIE COUNTY - Dredge Permit No. 56-23-1223
(July 13, 1973)

APPLICANT: Southern Bell Telephone and Telegraph Company
5100 North Federal Highway, Room 210
Ft. Lauderdale, Florida 33308

PROJECT: To dredge and backfill for the installation of a submarine cable at a minimum depth of 3 feet beneath the river bottom except channel crossing, to be dredged to a minimum 18 feet below mean low water.

LOCATION: Section 3, Township 35 South, Range 40 East, Indian River and Intracoastal Waterway, not in aquatic preserve.

PAYMENT: \$50 received for processing fee.

ECOLOGICAL
RESPONSES:

Department of Natural Resources, Survey and Management - The proposed installation of a submarine cable across the Indian River adjacent to the Seaway Drive bridge in Fort Pierce should not significantly affect estuarine biological resources provided siltation is controlled. The west shore is bulkheaded and the east shore has been altered by bridge and dock construction.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - We have reviewed the proposed permit and have no objections to its issuance.

Department of Pollution Control - This department will issue certification for the subject project pending notification of Trustees' approval.

Staff recommends a dredge permit be issued with the stipulation that turbidity screens be utilized around the dredge area.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the dredge permit with the stipulation recommended by the staff.

-27-

MANATEE COUNTY - Settlement of lawsuit involving claims of ownership to beachfront property.

CASE: Frank J. Conrad and Marjorie L. Conrad and Sarasota Bank and Trust Company, Plaintiffs vs. State of Florida, Board of Trustees of the Internal Improvement Trust Fund, Case No. CA-5879, in the Circuit Court of the Twelfth Judicial Circuit, in and for Manatee County.

LOCATION: Longboat Pass between Longboat Key and Anna Maria on the Gulf of Mexico in Section 15, Township 35 South, Range 16 East, Manatee County.

NATURE OF

CONTROVERSY: Beer Can Island is a spit of beachfront land attached to Longboat Key. It is not presently an island. Plaintiffs requested a disclaimer from the state to this spit. The Trustees deferred its issuance because of county and public interest in the property. Subsequently, the Trustees unanimously voted to quitclaim their interest to the county but were enjoined from this action. Plaintiffs filed suit to quiet title. Extensive litigation followed and this cause came up for trial September, 1973. Attorneys Warren Goodrich, Dan Hadsock and Robert J. Boylston were vigorous in their representation on behalf of the county. At the time of trial, negotiations were renewed resulting in the proposed settlement of this cause.

PROPOSED

SETTLEMENT: 1. The spit will be divided into public and private ownership. Approximately 12.1 acres will be retained in public ownership and about 7.6 acres will be quitclaimed to plaintiffs.

2. Plaintiffs will grant a right-of-way easement for pedestrian and non-motor traffic access (a covenant that will run with the land) across their upland. The access will be 10 feet wide.

3. Based upon a survey by plaintiffs, none of the 19.7 acres in dispute is below the mean high tide line. It is a condition of this settlement that if there is any survey error, in that any part of the 7.6 acre tract is below the elevation of 1.46 mean sea level datum as of the date of the survey, the State shall not be bound by the erroneous survey.

4. A common boundary line will be established by agreement of the parties beyond which the plaintiffs or their successors in interest may not claim accretion. This line will not be a permanent boundary line, however, and any erosion on plaintiffs' tract behind the line and below mean high tide will vest ownership of such land in the state.

5. The Trustees will quitclaim the entire 19.7 acres to plaintiffs or their successors in interest. Plaintiffs or their successors will deed in fee simple 12.1 acres together with the access easement to the Trustees. (This procedure has certain title and tax benefits for plaintiffs that do not otherwise affect the interests of the State or County.)

6. Plaintiffs will obtain a dissolution of Judge Taylor's injunction prohibiting the Trustees from conveying their interest to the county upon approval of this settlement by the Trustees.

7. Upon dissolution of the injunction, the Trustees will convey their interest together with the access easement to the County. However, the Trustees' deed will contain a provision that the property be maintained as a public recreation area in its natural state; no permanent improvements shall be erected thereon and the use of motor-driven wheeled vehicles shall be prohibited except for emergency, police or service vehicles performing official duties related to public welfare. If the terms of this provision are substantially violated, then the property ownership will revert to the State.

8. The plaintiffs or their successors shall be entitled to a stipulation and judgement quieting title to their 7.6 acre tract subject to the provisions of this item.

COMMENTS: Legal staff and the parties are in favor of settlement of this controversy on the terms as described in this item.

Staff recommends approval of the settlement as described in this item.

ACTION OF THE TRUSTEES:

Mr. Dewey Dye, attorney for the plaintiffs, was present at this meeting. Mr. Kuperberg said Mr. Dye supported the recommendation.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved the settlement as described in the agenda item.

-28-

MONROE COUNTY - Request for Administrative Relief

PETITIONER: Clarence H. Gifford et al, represented by M. Stephen Turner, Attorney

REQUEST: Pursuant to Florida Statutes 120.21-120.25 and Administrative Regulations 18-5.02 and 18-5.39, Trustees are requested to set a hearing date and time, and designate a hearing examiner.

LOCATION: Snapper Point area of North Key Largo, Florida, Section 12, Township 59 South, Range 40 East.

Staff recommends action on this request be deferred for 45 days pending outcome of discussions presently underway towards a satisfactory resolution of this matter.

ACTION OF THE TRUSTEES:

On May 15, 1973, the Trustees approved bulkhead line and permits for Ocean Reef Club subject to further information being produced as to the location of the mean high water line. Stipulation was added to meet objections of property owners directly across from Snapper Point, requiring the bulkhead line to be located at the actual line of mean high water.

As there was a revised Snapper Point development plan in process, the staff requested deferment in appointing a hearing officer pending receipt and review of the revised plan.

Mr. Turner said that as Ocean Reef has placed fill in a navigable waterway and continues to stack material on an embankment across from his clients' homes, there should be no delay in appointing a hearing examiner. His clients had no objection to trying to reach some type of accord, and he agreed that the Director might set a hearing date if no accord can be reached.

To show all parties that the Board is concerned Mr. Stone made a motion that a hearing officer be appointed by the Executive Director. Mr. Dickinson seconded the motion. If negotiations don't proceed satisfactorily, an appropriate public hearing could be scheduled.

Attorney William J. Roberts took the position that the state does not have jurisdiction over Snapper Point. As questions were raised the firm had entered into an agreement with the Department of Pollution Control and employed an independent consultant whose study might not be complete until after the first of the year. The firm has agreed to post a bond in an amount sufficient to cover removal of the material after final judicial determination is made.

The Governor understood it was not a natural body of water and as there were legal differences regarding jurisdiction, all parties should have an opportunity to make their representations and there was no urgency as to a hearing date. Mr. Christian noted the possibility of resolving the matter without a hearing officer.

Without objection, the motion passed to allow the Executive Director to appoint a hearing officer. If negotiation does not proceed to the satisfaction of the staff or the parties do not wish to negotiate further, a hearing date might then be set by Mr. Kuperberg or the matter brought to the Board to set a date.

Attorney Elliott Messer pointed out that when the Trustees approved the project they asked the Executive Director to make a determination of the mean high water line and in the interim Ocean Reef had begun to pile up fill material. There should be an understanding he thought, that Ocean Reef would not continue to stack and spread material.

Mr. Kuperberg advised the Trustees that the fill placed in a navigable waterway had been removed, that Mr. Gifford and other property owners might have some grounds against the Ocean Reef Club that they do not have against the Trustees. He commented that, if Mr. Turner's assertions were correct, that Snapper Point was entirely below mean high water, Mr. Gifford and other complainants may be living on lands that were originally below mean high water - may be owned by the State of Florida.

-29-

VOLUSIA COUNTY - Dredge Permit No. 64-23-1452
(August 7, 1973)

APPLICANT: Southern Bell Telephone & Telegraph Company
Engineering Department
871 Jacobs Building, Jacksonville, Florida

December 4, 1973

PROJECT: To dredge to a depth of 5 feet and backfill for installation of 9-4 inch steel conduits across the Halifax River.

LOCATION: Section 5, Township 15 South, Range 33 East, Halifax River (Intracoastal Waterway), Daytona Beach, Volusia County. Not in an aquatic preserve.

PAYMENT: \$50 received as payment for the utility installation processing fee.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed installation of a steel conduit across the Halifax River south of the Seabreeze Bridge should not significantly affect marine biological resources provided siltation is controlled and the bottom elevations are restored.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects; however, the proposed excavation immediately adjacent to Seabreeze Bridge may affect the structural stability of the bridge. This matter should be carefully investigated before a permit is issued for the subject project.

Game and Fresh Water Fish Commission - The applicant's proposal to install a steel conduit across the Halifax River should have minimum adverse effects on the fish and wildlife resources of this area provided siltation is controlled during installation.

Department of Pollution Control - Site inspection and a telephone conversation with the applicant disclosed that a clam shell bucket was to be used and the spoil would be placed upstream with no consideration for turbidity control measures.

It is noted that the installation of these submarine conduits is in the best interest of the community in the event of natural disaster or emergency. However, as the area in question is in a "no anchor" zone it is questionable as to the necessity to dredge a trench. Full consideration should be given to an alternate design that would provide for the conduit to lie directly on the bottom.

It is the position of this Department that if it is necessary to dredge a trench we will issue certification upon notification that the Cabinet has approved the project and receipt of the water quality information that is normally required as part of an application.

NOTE: Applicant has revised the project to meet minimum Corps of Engineers submerged cable installation standards and to be aligned 100 feet south of the centerline of the bridge right-of-way.

Staff recommends the dredge permit be issued with the stipulation that turbidity controls be utilized during excavation.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the dredge permit with the stipulation recommended by the staff.

Motion was made by Mr. Christian, seconded by Mr. Stone and passed without objection, to waive the rules and consider the following items not on the original printed agenda.

-30-

TRUSTEES' FUNDS - Drainage District Assessments

The fiscal year 1972-73 Legislative Budget request for this agency was submitted November 1971, while this agency was funded entirely from Trust Funds. In December of 1971 a special legislative session changed the method of funding the agency and all subsequent appropria-

tions were from general revenue effective January 1, 1972, in compliance with Chapter 71-981, Laws of Florida.

The budget document as submitted in November 1971, included a line item of \$32,000 as drainage assessments. All previous assessments were paid from Trust Funds.

The June 30, 1973, statement of operations for this agency indicates that \$295,327 of the \$295,683 appropriated General Revenue Expense Funds were expended for goods and services. No expenditures were made for drainage assessments. Subsequently, this assessment has been determined to be a genuine liability of the Board of Trustees of the Internal Improvement Trust Fund.

PLAN OF PROCEDURE

Subject to the approval of the Department of Administration, this agency plans the payment of the FY 1972-73 Drainage Assessments from the current year's expense appropriation. This agency will attempt to recover the greater part of this item through the reduction of expenditures in all appropriation categories. To insure adequate performance of our program objectives this agency will seek allocation of deficiency funds to cover operating expenses above those which can be recovered by the reduction of expenditures in all appropriation categories.

Staff recommends approval of the above plan of procedure.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Dickinson, to approve the procedure set out in the agenda.

Mr. M. Stephen Turner said it was his understanding that the Department of Administration recommended and the Trustees would budget sufficient funds to pay both the 1973 and 1974 drainage district assessments.

The Governor was doubtful that the Trustees could pay it out of trust funds. It might be out of the regular budget request. The Executive Director was committing himself to make that recommendation to take care of it through a supplemental appropriation.

Without objection, the motion made by Mr. Dickinson passed.

-31-

MARTIN COUNTY - Application for Deed File No. 2514-43-253.03

On September 4, 1974, the Trustees authorized issuance of a deed to the United States covering lands required in connection with the project at Port Mayaca, subject to reversion should the land cease to be used for water control structures. The fee was conveyed to the Central and Southern Florida Flood Control District with the above reverter and subsequently conveyed to the United States by the District by deed containing the same reverter. The Real Estate Division of the Corps of Engineers has taken the position that the regulations of the Corps which require a fee title to the land upon which this project will be located prohibits the acceptance of a deed containing a reversion. This would be true if the regulation read "fee simple title" or "fee simple absolute". Staff is not convinced that the language of the regulations prohibits acceptance of a fee title containing a reverter because of the occurrence of a condition subsequent. By the use of the term "fee title" the regulation could well be interpreted to mean a fee, although subject to defeasance, as distinguished from a lease, easement, license, or dedication. The Corps is accepting bids on the project to be considered on December 14. It may well require assurance prior to the opening date that a fee simple title without condition be forthcoming and has requested that this matter be placed upon the agenda for answer by the Trustees.

Staff recommends that the reverter be deleted from the conveyance to the Central and Southern Florida Flood Control District so that the District may convey title in fee simple absolute, if the Trustees are satisfied that the fee subject to a condition subsequent will result in a loss of the project.

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained that construction of a new lock was an essential and final major link in raising Lake Okeechobee to the 17½ foot elevation. The staff had asked for a copy of the Corps of Engineers regulations, as staff counsel desired evidence that the Corps requires a fee simple absolute deed.

Mr. Lee Lohman, attorney for the Jacksonville District Corps of Engineers, was present and today had advised the staff that a ruling of a United States Attorney General is the basis of the Corps' position. Mr. Lohman has agreed to furnish the Trustees' office a copy of that U. S. Attorney General's opinion.

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation was approved subject to a suggestion of the Governor that approval be subject to determination of the Attorney General of Florida that a fee simple deed is required by the Corps of Engineers.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

Tallahassee, Florida
December 18, 1973

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Richard (Dick) Stone	Secretary of State, Acting Chariman
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

Action taken by the Board at the meeting was pursuant to unanimous vote of the members present, unless the contrary is specifically reflected in the minutes.

The Director presented for consideration a resolution recognizing the approaching retirement at the end of this month of Ernest Hewitt after more than thirty-two years in the office of the Trustees.

With official expressions of appreciation for his loyalty and dedication during many years of service, the Trustees adopted and executed the resolution attached at the end of these minutes and made a part hereof.

On motion by Mr. Dickinson, seconded by Mr. Christian and adopted without objection, the rules were waived to consider the following addendum item jointly with a related item on the agenda of the Department of Natural Resources.

December 18, 1973

-26-

BREVARD COUNTY - Erosion Control Line
(December 12, 1973)

APPLICANT: Brevard County Board of County Commissioners
c/o Richard H. Miller, Assistant County Attorney
Titusville, Florida

PROJECT: To establish an erosion control line in accordance with the provisions of Chapter 161, Florida Statutes, for the purpose of beach nourishment.

LOCATION: Atlantic Ocean, Sections 12, 13, 14, 23 and 26, Township 24 South, Range 37 East, Brevard County.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Bureau of Beaches and Shores - Certifies that severe beach erosion has occurred in the area encompassed by the project and that the beach has been substantially destroyed and may be completely destroyed in the immediate future unless a publicly financed program is undertaken.

OTHERS:

1. The Brevard County Board of County Commissioners requests the Board of Trustees to establish the erosion control line for beach nourishment purposes.
2. Division of Archives, History and Record Management - We feel that our agency comments should be considered as informational and our overall position is one of "no adverse comments."
3. A public hearing was held after proper public notice was given. A copy of the hearing report of the designee of the Executive Director is appended hereto as Exhibit 26.
4. A majority of the upland and riparian owners (computed on lineal feet of the surveyed line) consented in writing to the establishment of the surveyed line as the erosion control line and acknowledged their understanding of the legal consequences of their written consent.

Staff recommends that the Board establish the erosion control line as presented by the Brevard County Board of County Commissioners for consideration of the Trustees of the Internal Improvement Trust Fund at the public hearing held December 4, 1973.

ACTION OF THE TRUSTEES:

Assistant County Attorney Richard H. Miller had notified the three objectors (Louise C. Herring, Virginia T. Hendry and William L. Holmes) of this meeting. The latter withdrew his objection.

Mayor Robert P. Murkshe of Cocoa Beach, Chairman of Brevard County Erosion Prevention District Advisory Committee, spoke in support of the beach restoration project started in 1963 because of severe beach erosion affecting public and private lands. It had been difficult to obtain the sand until last year when the United States Navy Triton Project at Cape Canaveral made approximately 4 million cubic yards of sand available for placing along the beaches in accordance with plans and specifications of the U. S. Army Corps of Engineers. Payment would be from federal, state and county funds making it the most inexpensive beach restoration project ever attempted in Florida, according to Mr. Murkshe.

Mr. Christian commended all that had participated in planning the project. It was pointed out that the Cape Canaveral area had been declared a disaster area by Governor Askew after the last storm, and the Corps of Engineers considered the erosion critical.

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees established the erosion control line as presented by the Brevard County Board of County Commissioners.

-1A-

ESCAMBIA COUNTY - Bulkhead Line Permit No. 17-35-1746
(September 10, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee, Florida 32304

December 18, 1973

PROJECT: A bulkhead line 1,902.45 feet long, more or less, established by the City Council of Pensacola by Resolution No. 32-73 adopted May 24, 1973.

LOCATION: Section 8, Township 2 South, Range 29 West, Pensacola Bay, Escambia County, not in an aquatic preserve.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Game and Fresh Water Fish Commission and Department of Pollution Control - See item "1B".

OTHERS: The City Council of Pensacola approved location of the bulkhead line by Resolution No. 32-73, adopted May 24, 1973.

Staff recommends approval of establishment of the bulkhead line.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board of Trustees approved establishment of the bulkhead line as located by the City Council of Pensacola by Resolution No. 32073 on May 24, 1973.

-1B-

ESCAMBIA COUNTY - Fill Permit No 17-12-1745
(September 11, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida 32304

PROJECT: To fill approximately 0.22 acre of submerged land.

LOCATION: Section 8, Township 2 South, Range 29 West, Pensacola Bay, Escambia County, not in an aquatic preserve.

MATERIAL: Approximately 540 cubic yards of material will be used to fill the 0.22 acre of submerged land.

PAYMENT: Not applicable.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed bulkhead and fill generally follows the shoreline or existing bulkheads in the area. While some shallow, sandy, unvegetated nearshore areas will be filled, the project should not have significant adverse effects on marine biological resources. To provide a more suitable shallow water habitat for marine life, the Department of Transportation could place riprap materials along the base of the finished bulkhead.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - The Department of Transportation proposed to construct a bulkhead as an extension to an existing concrete retainer wall adjacent to a park facility. Approximately .22 acres will be filled behind the constructed bulkhead to alleviate a present erosion problem. Since the applicant proposes to fill only the recently eroded areas, no significant adverse effects are anticipated provided suitable riprap material is placed on the seaward side of the proposed bulkhead to provide habitat for marine organisms. Filling of the eroded area behind the proposed bulkhead should cause no adverse effects as no dredging will be necessary for this project and all fill will be trucked in from upland sources. In addition, we would like to encourage the placement of riprap along the existing concrete retainer wall located along the length of the park facility to enhance the aquatic productivity of this shallow area.

Department of Pollution Control has no objections to the proposed project. Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

December 18, 1973

OTHERS: The City Council of Pensacola approved a fill permit by Resolution No. 16-72 on April 27, 1972.

Staff recommends issuance of a fill permit with the stipulation that riprap be placed on the waterward side of the proposed bulkhead.

ACTION OF THE TRUSTEES:

At the request of the Executive Director, the last fourteen words were deleted from the staff recommendation, leaving "Staff recommends issuance of a fill permit with the stipulation that riprap be placed on the waterward side of the proposed bulkhead."

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees approved the staff recommendation with the stipulation for riprap on the waterward side of the proposed bulkhead.

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PALM BEACH COUNTY - Dredge Permit No. 50-39-1342
(July 18, 1973)

APPLICANT: Board of County Commissioners
Palm Beach County
West Palm Beach, Florida 33402

PROJECT: To dredge 4,977 feet of the Intracoastal Waterway channel to a width of 125 feet and a depth of 16 feet.

LOCATION: Section 29, Township 41 South, Range 43 East, Intra-coastal Waterway, Palm Beach County, not in an aquatic preserve.

MATERIAL: 93,937 cubic yards of material to be dredged to be deposited at MSA 617-D Florida Inland Navigation District uplands.

PAYMENT: Applicant requests waiver of fee payment for dredged material as the spoil is to be used for public purposes.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed dredging would temporarily eliminate benthic organisms and possibly have long-term adverse effects on benthic life by creating stagnant anaerobic bottoms. Review of an aerial photograph and field inspection indicated that the proposed spoil site has been previously spoiled.

The necessity for a channel, whose depth can be expected to have significant effects upon water quality and marine resources, should be thoroughly reviewed by all involved agencies.

Bureau of Beaches and Shores - A hydrographic survey will not be required. The information provided with this application is somewhat sparse; however, if the side slopes of the proposed excavation are kept shallow enough to prevent sloughing off of the banks, it would be improbable that significant adverse hydrographic effects would result.

Game and Fresh Water Fish Commission - The applicant's proposal to conduct maintenance dredging in the intracoastal waterway and deposit fill on a heavily vegetated upland site for a county park facility should have minimal adverse effect on the fish and wildlife resources of the area. We recommend, however, that a small undisturbed fringe along the intended fill area be left as a buffer zone between the fill and waterway to provide forage, cover and protection to small forms of aquatic life utilizing this habitat.

Department of Pollution Control - 1. The entire piece of property, currently owned by F.I.N.D. and to be deeded to Palm Beach County after dredging is completed, will not be used for spoil disposal and fill will be trucked away. 2. The existing Intracoastal

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Waterway channel is -10' to -12'. 3. Runoff from the proposed park will not be directed to the adjacent properties. The project is recommended for approval.

OTHERS: At the regular meeting of the Area Planning Board of Palm Beach County, held on October 17, 1973, the Area Planning Board registered no objection to the processing of this application.

Staff recommends the dredge permit be issued and that the spoil material fee be waived as the material will be used for public purposes.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson, the rules were waived to take up an item out of order that had been added to the original printed agenda at the request of the Board of County Commissioners of Palm Beach County, the chairman of the County Commission, Robert F. Culpepper, having delivered an agreement between the county and Florida Inland Navigation District. Reading the biological comments, Mr. Kuperberg said the objections could be used in regard to any section of the Intracoastal Waterway. The staff recommended issuance of the dredge permit and waiver of charge for the material.

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Board approved the staff recommendation.

Mr. Shevin voted in the affirmative but expressed displeasure that several applications had been added as addenda and were not discussed at the aides' meeting. The Comptroller responded that he thought it would help eliminate addenda to have weekly meetings which he would bring up for vote by the Cabinet in January.

-2-

MANATEE COUNTY - Marina License & Construction Permit 41-39-1281E
(Revised November 5, 1973)

APPLICANT: Longboat Key Yacht & Tennis Club, Inc.
c/o R.D.S. Corporation
231 Hourglass Way, Siesta Key, Sarasota, Florida

PROJECT: To maintenance dredge an area 150 feet by 35 feet and construct 7 boat docks 30 feet by 20 feet for a marina facility.

LOCATION: Section 31, Township 35 South, Range 17 East, Sarasota Bay, Longboat Key, Manatee County, not in an aquatic preserve.

MATERIAL: 243 cubic yards of material will be removed from state-owned submerged land and placed on upland.

PAYMENT: \$200 received as payment for material removed. \$25 received as exemption processing fee. \$120 received as annual fee payment for 6,000 square feet of sovereignty land.

STAFF REMARKS: Field Operations recommends approval provided turbidity curtains are used during dredging operations.

ECOLOGICAL RESPONSES:
Department of Pollution Control has no objection to issuance of this permit.

Staff recommends issuance of a marina license, dredge and construction permit with the stipulation that turbidity screens be utilized around the dredge and spoil sites during excavation.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Board.

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MANATEE COUNTY - Dredge Permit No. 41-24-0464
(November 26, 1973)

APPLICANT: Manatee County Park & Recreation Department
421 - 17 Avenue, West, Bradenton, Florida 33505

PROJECT: To maintenance dredge two existing boat basins to -4.5 feet mean sea level.

LOCATION: Section 10, Township 35 South, Range 16 East, Sarasota Bay, Manatee County, not in an aquatic preserve.

MATERIAL: Approximately 740 cubic yards of material will be removed and deposited on uplands.

PAYMENT: Applicant requests waiver of all fees as this is a public facility.

STAFF REMARKS: Field Operations Division has no objection to issuance of this permit.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed dredging of 740 cubic yards of sand at the Coquina Beach public boat ramp should have relatively limited adverse effects on marine life provided: (1) the dredge area is reduced by 10 to 20 feet to conserve shallow bottoms and beds of Cuban shoalweed on north and south ends (see map) and (2) mangroves adjoining the proposed boat ramp are not disturbed.

Since shallow bottoms are beneficial to marine life, the only dredging to improve navigation should be permitted at the public boat ramp.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - We are deferring our comments on the above referenced project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500. You are cautioned that any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such waters, as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida.

Staff recommends issuance of the dredge permit with a stipulation that turbidity controls be utilized during excavation activities.

ACTION OF THE TRUSTEES:

The Director stated that the applicant had revised the project to comply with the provisions recommended by the Department of Natural Resources.

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees authorized issuance of the dredge permit with the stipulation recommended by the staff.

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PALM BEACH COUNTY - Dredge Permit No. 50-23-1006
(May 30, 1973)

APPLICANT: Town of Highland Beach
3612 South Ocean Blvd., Highland Beach, Florida 33444

PROJECT: To dredge and backfill for installation of a 14-inch water transfer main approximately 400 feet in length.

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LOCATION: Section 4, Township 47 South, Range 43 East, Intracoastal Waterway, Town of Highland Beach, Palm Beach County, not in an aquatic preserve.

PAYMENT: \$50 received as utility crossing processing fee.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed installation of a subaqueous water transfer main across the Intracoastal Waterway should not significantly affect estuarine biological resources provided siltation is controlled and care is taken to minimize destruction of white mangroves vegetating the wetlands on the east side of the waterway. The west shore of the waterway is bulkheaded and developed.

Bureau of Beaches and Shores - A hydrographic survey will not be required. The information provided with this application is very sparse. The attached plans do not show whether the transfer main is to be laid on the bottom or subgraded. It is recommended that the main be subgraded.

Game and Fresh Water Fish Commission has no objection to the permit application.

Department of Pollution Control has no objection to the project. However, it is recommended that the turbidity levels be monitored and controlled throughout the operation. Certification will be issued upon notification of approval by the Trustees.

OTHERS: The Town Commission of the Town of Highland Beach at its regular meeting held on June 5, 1973, approved a resolution authorizing the Town Administrator to act as agent in obtaining the necessary state and federal permits for the water expansion program.

Staff recommends issuance of a dredge permit with the stipulation that turbidity levels be monitored and controlled throughout the operation and care be taken to minimize destruction of white mangroves vegetating the wetlands on the east side of the waterway.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the staff recommendations were approved as the action of the Board.

-5-

VOLUSIA COUNTY - Renewal of Marina License No. ML-10
(September 26, 1973)

APPLICANT: City of South Daytona
P. O. Box 4220, South Daytona, Florida 32021

PROJECT: To renew Marina License No. ML-10 for one year.

LOCATION: Section 33, Township 15 South, Range 43 East, Halifax River, Volusia County, not in an aquatic preserve.

PAYMENT: Applicant requests that the marina license fee be waived.

STAFF REMARKS: Field Operations reports that construction appears to have been carried out in accordance with the submitted drawings.

Staff recommends renewal of the marina license for the period of one year and that the fee be waived.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees authorized renewal of the marina license for one year and waiver of the fee.

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CHARLOTTE COUNTY - Renewal of Marina License No. ML-46
(October 25, 1973)

December 18, 1973

APPLICANT: Mary Lu, Inc., c/o Tri County Engineering, Inc.
121 East Charlotte Avenue, Punta Gorda, Florida 33950

PROJECT: To renew Marina License ML-46 for one year.

LOCATION: Section 30, Township 40 South, Range 23 East, Peace River, Charlotte County, not in an aquatic preserve.

PAYMENT: \$100 received as payment for annual marina license fee.

STAFF REMARKS: Field Operations Division reports that construction appears to have been carried out in accordance with the submitted drawings.

Staff recommends renewal of the marina license for a period of one year.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees authorized renewal of the marina license for one year.

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VOLUSIA COUNTY - File No. 2499-64-253.42, Correction of Minutes

In item 15 on June 5 and item 10 on September 18, 1973, the Board approved a land exchange requested by George Krewson, Jr., et ux.

Paragraph "C" incorrectly showed the value of \$3,166 due to the Trustees. This should have been \$3,155.

Staff requests authority to correct the minutes and issue the deed for the consideration of \$3,155.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees approved the correction and issuance of the deed for \$3,155.00.

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FRANKLIN COUNTY - Right of Way Easement File No. 2529-19-253.03
(November 26, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Easement for public highway purposes as and for right of way for public State Road No. 377. No dredging or filling is required.

LOCATION: 2.26 acres of sovereignty land in the Ochlockonee River abutting the East Half of Section 2, Township 6 South, Range 3 West, Franklin County.

PAYMENT: Not applicable.

ECOLOGICAL RESPONSES:

Department of Natural Resources - Survey and Management - Since no dredging or filling of submerged land is planned for the construction of the proposed bridge, this project should not have significant adverse effects on marine biological resources.

Bureau of Beaches and Shores - It is unlikely that this project would have any adverse hydrographic effects on the area and a hydrographic survey is not considered necessary.

Game and Fresh Water Fish Commission - Biologists from the Florida Game and Fresh Water Fish Commission have reviewed the above referenced project and offer no objections provided no dredging or filling takes place.

Department of Pollution Control has no objections to the proposed

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project. Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

Staff requests authority to issue the right of way easement, subject to acquisition of the adjacent uplands by the Department of Transportation.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the easement subject to acquisition of the adjacent uplands as recommended by the staff.

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WAKULLA COUNTY - Right of Way Easement File No. 2530-65-253.03
(November 27, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

PROJECT: Easement for public highway purposes as and for right of way for public State Road No. 377. No dredging or filling is required.

LOCATION: A 0.66-acre parcel of sovereignty land in the Sopchoppy River abutting Section 26, Township 5 South, Range 3 West, Wakulla County.

PAYMENT: Not applicable.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The construction of the proposed bridge should not have significant adverse effects on aquatic biological resources of the Sopchoppy River.

Bureau of Beaches and Shores - It is unlikely that the proposed project will have any significant adverse hydrographic effects on the area and a hydrographic survey will not be necessary.

Game and Fresh Water Fish Commission - The Environmental Protection Section of the Florida Game and Fresh Water Fish Commission has reviewed the project and offers no objection to its implementation.

Department of Pollution Control has no objections to the proposed project. Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

Staff requests authority to issue the right of way easement subject to acquisition of the adjacent uplands by the Department of Transportation.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of the easement subject to acquisition of the adjacent uplands as recommended by the staff.

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COLLIER COUNTY - Consideration of Oil & Gas Lease Bids

The staff has reviewed the bid submitted by Dalco Oil Company and opened by the Board on December 4, 1973, for a five-year oil and gas drilling lease covering the reserved one-half interest of the Board of Education in the petroleum in Section 16, Township 46 South, Range 28 East, containing 640 surface acres.

The bid in the total amount of \$5,123.20 represents the first year's rental of \$320 and a cash bonus of \$4,803.20 (\$15.01 per net mineral acre).

Staff recommends award of the lease to Dalco Oil Company.

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ACTION OF THE TRUSTEES:

The Executive Director said the Board had discretion to accept the bid. Tribal Oil Company had originally asked for the land to be advertised for lease and, not having received an informal courtesy notice, had asked to be heard before the bid is awarded. The state had complied with law in advertising the lease in two newspapers, one in the area in which the land is located.

Commenting that there was only one bid and it was not very high for this State Board of Education land, Mr. Christian made a motion that the land be readvertised. Mr. Shevin seconded the motion.

Attorney James A. Truett, representing Dalco Oil Company, recognized the Board's discretion to accept or reject any bids and that the other company felt it should have been notified. He pointed out that legal requirements were complied with, that the reason the bid had not been approved at a previous meeting and the lease awarded was that the Collier County paper had made a mistake in the bid date and awarding of the lease was held until this date. Mr. Truett felt that the staff had determined that the bid was adequate for land in that area and recommended acceptance of the bid, Dalco's bid had been disclosed and the company would be placed in a difficult and unfair position if the land was readvertised.

Representing Tribal Oil Company, Frank A. Graham, attorney, brought out that his client nominated the parcel of land for a drilling lease back in October, participated in meetings of the Big Cypress Advisory Committee, furnished aerial maps to the committee, and had asked to be informed when the Trustees would consider leasing the land.

After considering all the facts and statements made, the Trustees without objection adopted the motion to reject the bid and directed that the land be readvertised.

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MARION COUNTY - Confirm a Public Sale of Murphy Act Land
(November 26, 1973)

DESCRIPTION: Lot 7, Block 177, Silver City

LOCATION: This lot is a rectangular parcel estimated to be 50 feet wide by 125 feet deep. Lot 7 is approximately 200 feet North of Yore Place and fronts on a platted but unopened street.

APPRAISAL: By staff appraiser, \$250.

AUTHORITY
FOR SALE: Section 197.350, Florida Statutes.

DATE OF SALE: October 15, 1973, by Clerk of the Circuit Court of Marion County.

HIGH BIDDER: W. E. Priest

HIGH BID: \$250

Recommend confirmation of sale of this lot to W. E. Priest for \$250 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed with five affirmative votes, the Trustees confirmed the sale of Murphy Act land to W. E. Priest for \$250 plus advertising costs and clerk's fees.

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PUTNAM COUNTY - Confirm a Public Sale of Murphy Act Land
(November 27, 1973)

DESCRIPTION: All of Block 3, West Palatka, McLaury's Subdivision of W $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 10, Township 10 South, Range 26 East, Putnam County, Florida, containing 1.79 acres, more or less.

LOCATION: This land is in an undeveloped area approximately three miles west of the Putnam County Courthouse, and about two-thirds mile west-southwest of St. Johns River Junior College.

APPRAISAL: By staff appraiser, \$2,700.

AUTHORITY
FOR SALE: Section 197.350, Florida Statutes.

DATE OF SALE: November 9, 1973, by the Clerk of the Circuit Court of Putnam County, Florida.

HIGH BIDDER: Michael G. Simpson

HIGH BID: \$3,489.50

Recommend confirmation of sale of this parcel of land to Michael G. Simpson, high bidder, for \$3,489.50 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed with five affirmative votes, the Trustees confirmed the sale of Murphy Act land to Michael G. Simpson for \$3,489.50 plus advertising costs and clerk's fees.

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GLADES COUNTY - Dredge Permit No. 22-20-1608E
(August 27, 1973)

APPLICANT: Kenneth N. Bracken
Route 1, Box 742, Moore Haven, Florida 33471

PROJECT: To dredge for removal of an earthen plug from a previously excavated upland canal system.

LOCATION: Section 26, Township 42 South, Range 30 East, Caloosahatchee Canal, (C-42), Glades County, not in an aquatic preserve.

MATERIAL: 1,500 cubic yards of material to be dredged and placed on upland.

PAYMENT: \$25 received as exemption processing fee.

STAFF REMARKS: Field Operations Division recommends denial of the application for the following reasons:

1. Applicant has made no effort to bulkhead or riprap banks to prevent erosion.
2. Canal banks are too steeply sloped.
3. Debris will collect in canals because the mouth is facing into the predominant southeast winds.
4. No provisions have been made for circulation of water within the canal system.
5. Surface drainage will be directly into the canal.

Generally, this project is poorly conceived and is little more than an upland ditch system which, if connected to the Caloosahatchee, can only degrade the waters of this once natural river.

ECOLOGICAL RESPONSES:

Department of Pollution Control does not intend to issue water quality certification on the proposed project.

Staff recommends denial of the dredge permit.

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ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Shevin, to accept the staff recommendation for denial.

R. Clark Tullos, engineer representing the applicant, said the field inspector's report as documented was to some extent untrue. He explained the present conditions, the work the applicant desired to do which in his opinion would not degrade the water, and was agreeable to working with the staff of the environmental agencies toward some compromise.

Mr. Stone suggested that the application be withdrawn from the agenda pending conferences to try to arrive at a solution.

On motion by Mr. Dickinson, seconded by Mr. Christian and adopted without objection, the Trustees directed that the application be withdrawn from the agenda and scheduled for further consideration at some future date.

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DUVAL COUNTY - Dredge Permit No. 16-23-0301
(Revised June 12, 1973)

APPLICANT: Department of Public Works, City of Jacksonville
220 East Bay Street, Jacksonville, Florida 32202

PROJECT: To dredge and backfill for installation of a 42-inch diameter subaqueous sewer line crossing.

LOCATION: Section 47, Township 2 South, Range 26 East, Craigs Creek, Jacksonville, Duval County, not in an aquatic preserve.

MATERIAL: Approximately 178 cubic yards of muck and sand will be dredged and backfilled.

PAYMENT: \$50 received as payment for a utility crossing processing fee.

ECOLOGICAL RESPONSES:

Department of Natural Resources has no further objection to the issuance of this permit.

Game and Fresh Water Fish Commission - We are deferring our comments on the project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control has reviewed the referenced subject matter and intends to issue water quality certification pending completion of our public review process and pending notification of approval by the Trustees. The applicant will be notified that adequate precautions, such as the use of a turbidity curtain, to prevent excessive siltation, will be a requirement of certification.

Staff recommends that the dredge permit be issued subject to the Department of Pollution Control stipulations that a turbidity curtain be used to prevent excessive siltation.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the staff recommendation was approved as the action of the Board.

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ESCAMBIA & SANTA ROSA COUNTIES - Dredge Permit No. 17 & 57-23-1225
(July 13, 1973)

APPLICANT: Exxon Company, U.S.A.
P. O. Box 61812, New Orleans, Louisiana 70161

December 18, 1973

PROJECT: To dredge and backfill for installation of a 10-inch fresh water line.

LOCATION: Section 1, Township 5 North, Range 29 West, Escambia County and Section 7, Township 5 North, Range 29 West, Santa Rosa County across the Escambia River, not in an aquatic preserve.

MATERIAL: Approximately 1,500 cubic yards of material will be dredged and used to backfill the trench.

PAYMENT: \$50 received as payment of the utility processing fees.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed water main pipeline crosses the Escambia River and adjoining flood plains, creeks, and sloughs within an existing cleared pipeline right-of-way. Since bottoms in the area were disturbed during construction of the existing pipeline, the proposed project should not have significant adverse effects on aquatic and marine biological resources. Efforts should be made by the applicant to control turbidity, siltation, and runoff that may occur during installation of the pipeline.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission has no objections to issuance of this permit.

Department of Pollution Control recommends approval providing the dredging is done at a time of low flow in the Escambia River, the water crossing should be limited, to direct cross to minimize affected river bottom, as is possible, and use of equipment that will minimize siltation and turbidity in the river. All necessary precautions will be required to insure that the water quality requirements for a Class III water are not exceeded.

OTHERS: 1. Escambia County Board of Commissioners on the 6th day of December 1973 amended its original resolution adopted on September 18, 1973.
2. Santa Rosa Board of County Commissioners at its regular scheduled meeting on July 31, 1973, adopted a resolution approving subject project.

Staff recommends issuance of the dredge permit subject to the Department of Pollution Control stipulation that the crossing be at right angles to the river channel, the dredging to be done at time of low flow and turbidity screens be utilized during construction.

ACTION OF THE TRUSTEES:

Added to the staff recommendation at Mr. Kuperberg's request was the following: "and the dredging be done at time of low flow and turbidity screens be utilized during construction."

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the amended staff recommendation was approved as the action of the Board.

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PALM BEACH COUNTY - Dredge Permit No. 50-23-1605
(August 27, 1973)

APPLICANT: Florida Power & Light Company
P. O. Box 3100, Miami, Florida 33101

PROJECT: To dredge and backfill for installation of a submarine cable approximately 1,350 feet in length which is to be buried at a minimum depth of 24 inches below the lake bottom.

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LOCATION: Township 42 South, Range 43 East, Lake Worth, Riviera Beach, Palm Beach County, not in an aquatic preserve.

PAYMENT: \$50 received as the utility crossing processing fees.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed installation of a submarine cable across Lake Worth north of the Blue Heron Bridge should not significantly affect marine biological resources provided siltation is controlled and disturbance of submerged lands and wetlands is kept to a minimum.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effect.

Game and Fresh Water Fish Commission has reviewed the permit application, and offers no objection to its issuance.

Department of Pollution Control has no objection to the project. However, it is recommended that turbidity levels be monitored every three hours and control devices be maintained during excavation. Certification will be issued upon notification of favorable review by the Trustees.

Staff recommends issuance of a dredge permit with the stipulation that turbidity levels be monitored every three hours and all work is to be done within turbidity screens.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Christian, to approve the staff recommendation.

Mr. Shevin questioned whether the staff would be able to monitor the work every three hours, and whether the applicant would pay the cost of monitoring. Mr. Kuperberg responded that the monitoring would be a requirement of the Department of Pollution Control, and that in another application the Department of Administration did not consider it proper to ask an applicant to pay such costs. The staff would investigate further with the Department of Administration.

Without objection, the motion was adopted to approve issuance of the dredge permit subject to the stipulations recommended by the staff.

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PALM BEACH COUNTY - Construction and Fill Permit No. 50-39-1094

The application of Coastal Towers Property, Inc., by Foresight, Inc., to construct a seawall and backfill approximately 300 feet of the Intracoastal Waterway shoreline with six 20 x 3.5 ft. docks to be constructed along the seawall in Section 27, Township 45 South, Range 43 East, Intracoastal Waterway, City of Boynton Beach, Palm Beach County, was deferred at the request of the applicant.

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**PINELLAS COUNTY - Dredge Permit No. 52-21-0707
(April 30, 1973)**

APPLICANT: Walter K. Prior
4100 Bayshore Blvd., Dunedin, Florida 33528

PROJECT: To maintenance dredge an existing boat basin to -9 feet mean low water.

LOCATION: Section 11, Township 28 South, Range 15 East, St. Joseph's Sound, Pinellas County, in Aquatic Preserve G-19.

MATERIAL: 9,000 cubic yards of material will be removed.

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PAYMENT: Not applicable. State-owned lands not involved.

STAFF REMARKS: Our Field Operations Division recommends that a revised drawing be submitted showing the exact location of the spoil and describing the method to control turbidity.

ECOLOGICAL RESPONSES:

Department of Natural Resources - The applicant is proposing maintenance dredging of an existing basin, covered boat slips, and marine railways to a depth of 9 feet. Approximately 9,000 cubic yards of spoil would be placed on a spoil island located immediately west of the basin and inside the county bulkhead line. The spoil island is presently fringed with cord grass and mangroves.

The actual dimensions of the spoil island do not correspond with those shown in the drawing submitted by the applicant. The alignment of the proposed dikes should be relocated distinctly landward of the fringing growths of mangroves and cord grass to prevent the filling of submerged lands. Waste water discharge from the diked spoil area should be directed back into the marina to avoid possible silting of adjoining bay bottoms.

Game and Fresh Water Fish Commission - The applicant proposes to dredge for the purpose of maintaining a boat basin and slips in St. Joseph's Sound within the limits of Ozona in Pinellas County. The plan involves dredging approximately 9,000 cubic yards of silt from the bottom of the boat basin to a minus 9.0 foot elevation and depositing the spoil on a privately-owned adjacent island. The area to be altered has been previously dredged and due to tidal action will probably require periodic dredging in the future. While inspecting the area birds typical of this coastal area were observed feeding along the shore of the man-made island.

If the project is completed as proposed it will cause an insignificant and temporary reduction in the amount of food available to the wading birds and shore birds in the area.

Department of Pollution Control advised that approval is recommended providing the marina basin is closed off during dredging and spoil area dikes be constructed to contain the dredged material. Certification will be issued pending notification of Trustees' approval.

OTHERS: 1. The Pinellas County Water and Navigation Control Authority approved the dredge only application (DO-213) during its regularly scheduled meeting on March 20, 1973.

NOTE: The applicant has revised the project according to the Department of Natural Resources recommendations.

Staff recommends a dredge permit be issued with the stipulation that the marina basin is closed off during dredging activities.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Board.

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DADE COUNTY - Lease of State-owned Public Land

APPLICANT: Division of Corrections
Department of Health and Rehabilitative Services

REQUEST: Lease of state-owned public land for site of a correctional institution.

LOCATION: 290 acres of scattered ten-acre tracts in the north half of Section 7, Township 52 South, Range 40 East, Dade County, described as Tracts 1 through 13, 15 through 23, and 25 through 31, of Florida Fruit Lands Company's Plat No. 1, Plat Book 2, page 17, Dade County Public Records.

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The 1973 Legislature appropriated funds for design and construction of a 300-man facility in an urban area in Dade County. The Division of Corrections advises that this tract of state land is suited for the proposed facility after inspecting many other sites. This land is uncommitted and vacant, located one mile south of the Dade-Broward County line, one and one-half mile northeast of U. S. Highway 27 and one-half mile east of the eastern boundary of the proposed jetport site No. 14.

As there are three privately-owned ten-acre tracts within the 290-acre area, the Department of Health and Rehabilitative Services has requested approval to proceed to negotiate with the three owners either to purchase or exchange their parcels for other parcels of state land in the vicinity. Any exchange proposed involving state land must be submitted to the Board for approval.

Recommend the 290 acres be leased to the Department of Health and Rehabilitative Services for the use and benefit of the Division of Corrections, and authority be granted to the Department to proceed with negotiations for the acquisition of the three privately-owned parcels.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Board.

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PUTNAM COUNTY - Dredge and Fill Permit No. 54-39-1069
(June 15, 1973)

On the agenda at the request of the office of the Secretary of State.

APPLICANT: N. E. Isaacson of Florida, Inc.
c/o Milam, Martin and Ade
1700 Barnett Bank Building
Jacksonville, Florida 32201

PROJECT: To dredge 3 access channels, a perimeter channel and 9 boat basins to be constructed on the perimeter canal.

LOCATION: Sections 5, 6, 8, 9, 10 and 40, Township 11 South, Range 27 East, Dunns Creek, Putnam County, not in an aquatic preserve.

MATERIAL: 66,500 cubic yards of material to be dredged on state-owned lands; 126,500 cubic yards of muck to be replaced with white sand.

PAYMENT: No fee per agreement with the applicant for certain wetlands to be dedicated to the State of Florida.

STAFF REMARKS: Field Operations Division has no objection to the proposed project.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The hydrographic report offers a number of recommendations that apparently have not been included in the project design (as shown on the application sketch). The following should be included in the project design to insure the stability of the artificial waterway:

1. Canal entrances and exits must be hardened. Without this step, these areas would undoubtedly erode and the design flow rates could not be maintained;
2. Stability analysis should be conducted for the sand-lined waterways to insure that they will not be eroded. The final canal dimensions should be based on the results of this study;
3. All muck should be excavated along the canal route. The report indicates that the ribbon marina is to be excavated in a muck bed but the application drawing shows only removal of the muck on the bank sides. The muck along the canal bed should

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also be excavated and replaced with sand; and

4. Upon completion of construction, the flows should be measured to insure that the design conditions are satisfied. In addition, periodic monitoring of the artificial canal should be conducted to insure that the canals remain stable.

The current plans, as depicted in a Corps of Engineers notice (SAJSP 73-0817, 17 July 1973), include the construction of a lake by damming Hammock Branch. In addition to its being "the most significant ecological component unifying the site ... (which) should be retained in natural condition." (Cypress Landing Eco-plan, Page 4), Hammock Branch and its drainage area are critical factors in the control of upland run-off in the proposed design. Its removal, by damming, from the drainage plan places the efficacy of the upland perimeter swale in question. In the interest of long-term health of aquatic resources, a water quality monitoring program is indicated.

Game and Fresh Water Fish Commission - In our opinion, only minor environmental degradation will occur as a result of project construction. All upland drainage will flow through naturally vegetated sloughs before reaching the ribbon canal. The open edge of the canal should prevent water stagnation and accommodate continuous mixing. Floating vegetation could become a serious problem if adequate steps are not engineered to prevent such vegetation from accumulating in the canal. It is also our understanding that the river swamp system between the uplands and the river will be dedicated to the State of Florida.

Department of Pollution Control - Please be informed that this office has no objection to the application as was submitted to the Board of Trustees, dated June 15, 1973. It is our understanding that the proposed ribbon canal is to be constructed contiguous with the +5 foot contour and open to the floodplain on the lowland edge of the canal. We also understand that no upland drainage is to directly enter the ribbon canal and that all existing sloughs presently draining into the river are to be left in their natural condition.

This approval does not cover the proposed dam and lake that the applicant included as a portion of the Corps of Engineers' permit application. It is our understanding that the applicant has withdrawn this portion of their proposal from all applications and may consider this request at a later date.

OTHERS: United States Department of the Interior Bureau of Sport Fisheries and Wildlife, letter of September 4, 1973, recommends denial of the permit unless the following conditions are made a part of the issued permit:

1. All upland excavation in the navigation channel be completed prior to opening the three access channels.
2. Hammock Branch dam construction be excluded from the issued permit.

Staff recommends a dredge permit be issued subject to the following stipulations:

1. Sloping revetments be installed at the entrances and exits of all connections to Dunns Creek.
2. All organic detritus should be excavated from the canal and access channels and replaced with sand to the designed depths of 5.7 feet.
3. Canal and access channel shorelines are to be stabilized, the method to be approved by the state environmental agencies.
4. Hammock Branch Creek and the associated flood plain is to be preserved in the natural state along with the existing drainage sloughs and any and all lands below the 5-foot contour line which are not to be conveyed to the State of Florida.
5. Payment of all taxes levied or assessed and which may accrue prior to the vesting of title in the Trustees to lands as specified in the agreement.
6. Spoil to be deposited on adequately diked and baffled uplands with all dredging operations to be conducted prior to opening the three access channels to Dunns Creek.
7. Conveyance of 1,078.11 acres to the State of Florida under Florida Statute 258.17-258.13.

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8. Subject to compliance by the applicant with the provisions of the corporate resolution of N. E. Isaacson & Associates, Inc. as implemented by letter from the president of the corporation under the date of December 3, 1973.

ACTION OF THE TRUSTEES:

In response to the Attorney General's question regarding the detailed stipulations in the staff recommendation, the applicant's attorney, William J. Roberts, assured the Board that his client agreed to the stipulations set forth in the agenda.

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the staff recommendation including stipulations was approved as the action of the Board.

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COLLIER COUNTY - Dredge Permit No. 253.123-1129
(Revised December 6, 1973)

APPLICANT: Deltona Corporation, c/o Edgar M. Moore
800 Barnett Bank Building, Tallahassee, Florida 32302

PROJECT: To maintenance dredge for restoration to a minimum design depth of -9 feet mean sea level, and to maintain seawalls in existing artificial waterways.

LOCATION: Sections 4, 5, 8, 9 and 16, Township 52 South, Range 26 East, Collier County, not in an aquatic preserve. (Corrected on February 19, 1974).

MATERIAL: Quantity of material to be determined at the time of excavation.

PAYMENT: Not applicable; state-owned lands not involved.

STAFF REMARKS: Field Operations Division recommends denial of a blanket-type maintenance dredge permit.

ECOLOGICAL RESPONSES:

Department of Natural Resources has reviewed these revised plans and finds evidence of only minimal adverse effects of marine resources.

Game and Fresh Water Fish Commission has reviewed the permit and has no objection to its issuance.

Department of Pollution Control advises that minor problems outlined in their letter of August 15, 1973, have been resolved. The attachment to the letter will become a part of certification when issued. Certification will be released upon receipt of notification of approval from the Board of Trustees.

NOTE: Letter of November 29, 1973, from Edger M. Moore, Attorney for Deltona Corporation, explained the conditions under which the maintenance dredging is to be performed.

Staff recommends that the maintenance dredge permit be issued subject to the stipulations that 1) the applicant notify the Trustees of Internal Improvement Trust Fund staff and the Department of Pollution Control thirty days prior to commencement of maintenance dredging, 2) spoil disposal areas be approved by the Department of Pollution Control and Trustees' Field Operations Division prior to maintenance dredging, 3) turbidity screens be used around the dredge and disposal sites, and 4) the blanket-type maintenance dredge permit be issued for one time only in order to correct initial canal design depths.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the staff recommendation including stipulations was approved as the action of the Board.

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COLLIER COUNTY - Dredge Permit No. 11-20-0506
(Revised July 18, 1973)

APPLICANT: Deltona Corporation Factory Bay Marina
c/o Smith, Moore & Huey
800 Barnett Bank Building, Tallahassee, Florida 32302

PROJECT: To dredge three submerged areas (30 feet x 120 feet, 30 feet x 130 feet, and 30 feet x 250 feet) to -6.6 feet mean low water adjacent to existing seawalls and to remove fill inside the existing seawall on upland pursuant to receipt of a Trustees' permit.

LOCATION: Section 5, Township 50 South, Range 26 East, Factory Bay, Collier County, not in an aquatic preserve.

MATERIAL: Approximately 60,500 cubic yards of material will be dredged and placed on uplands (500 cubic yards of material will be dredged from outside the existing seawall and 60,000 cubic yards of material will be dredged from inside the existing seawall).

PAYMENT: \$500.00 received as payment for material to be dredged from state-owned land.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed work is in a very disturbed area, showing little, if any, recovery. Dredging the three small areas of depauperate bottom should not have significant adverse effects on marine biological resources. The application indicates that the 500 cubic yards of spoil will be placed on the upland but does not indicate the spoil site location or where the spoil obtained from the upland excavation will be placed. There is apparently a mangrove area directly across SR 951 from the marina site. Also, the extension of Barfield Drive that is to lead from SR 951 toward Smokehouse Bay is not yet in existence.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - With the revisions incorporated into this application, we have no objection to issuance of this permit.

Department of Pollution Control - This agency has no objection to the proposed project.

Staff recommends issuance of a dredge permit with the stipulations that all spoil material be placed on adequately diked high, dry uplands and turbidity screens be utilized during excavation activities.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the staff recommendation with stipulations was approved as the action of the Board.

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COLLIER COUNTY - Extension of Dredge & Fill Permit No. 253.123-677
& 253.124-148 (December 10, 1973)

APPLICANT: Deltona Corporation, c/o Smith, Moore & Huey
800 Barnett Bank Building, Tallahassee, Florida

PROJECT: Request to extend a dredge and fill permit for the Collier-Read Tract, Marco Beach Subdivision, Unit 24

LOCATION: Sections 19, 20, 21, 28, 29, 30 and 33, Township 51 South, Range 26 East, Collier County, not in an aquatic preserve.

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MATERIAL: Original permit approved excavation of 8,439,000 cubic yards of material of which 524,000 cubic yards was to be dredged outside of the bulkhead line, with spoil to be deposited behind the bulkhead line to an elevation of +2.7 feet mean sea level.

PAYMENT: Applicant proposed to convey 35.11 acres within the Collier-Read Tract as consideration for fee payment of \$52,400 at the rate of 10 cents per cubic yard.

STAFF REMARKS: Approved by the Board of Trustees on December 1, 1970 this project, involving 8,439,000 cubic yards of dredge and fill work, was the last project of this scale to win Trustees' approval.

In May of 1971, after consulting with state and federal agencies, staff prepared a memo to Deltona's legal counsel urging that the company cease and desist from further lot sales in the Collier-Read Tract as it was then apparent that development of the project as originally designed would result in massive adverse effects upon the adjoining estuarine ecosystem.

It is noted that the Trustees present Executive Director was Executive Director of the Collier County Conservancy on December 1, 1970 and opposed approval of the dredge and fill permit as presently constituted.

ECOLOGICAL RESPONSES:

Department of Natural Resources: February 27, 1968 - Florida Board of Conservation report: This bulkhead line represents a compromise between maximum development and no disturbance of the subject area. There will definitely be adverse effects on marine life, habitats and fishing from dredging and filling as indicated by this bulkhead line but there has been a deliberate effort on the part of the applicants and Tri-County Engineering to protect certain productive areas from dredging and filling.

Game and Fresh Water Fish Commission - No biological reports were requested of the Game and Fresh Water Fish Commission in 1968.

Department of Pollution Control, November 27, 1973 - The Pollution Control Board concurred with the staff appraisal and found that the project as presently designed would result in water quality degradation. However, no final action has been taken on the application inasmuch as Deltona has requested that further consideration of the application be held in abeyance indefinitely.

OTHERS: 1. The Board of County Commissioners of Collier County approved the original dredge and fill permit for Marco Beach, Unit 24, October 27, 1970.
2. The National Audubon Society filed an objection to the inclusion of Marco Beach, Unit 24 in the settlement agreement, by letter of August 10, 1971.

Staff recommends:

1. That the Collier-Read permit not be extended, as it is presently constituted, or
2. That the Collier-Read permit be extended for 90 days, with the understanding that consideration of any further extension will be based upon a new land use plan for the subject parcel, which significantly reduces the adverse environmental impact of the project and that new biological studies will be conducted based upon the new plan.

ACTION OF THE TRUSTEES:

The Executive Director pointed out that the Trustees in approving the Marco Island Development Corporation settlement agreement in October 1971 did not make any specific commitments regarding the Collier-Read Tract as it was the subject of an existing permit at that time. He pointed out that this Board as now constituted has not acted on the Collier-Read matter, and he questioned the extension requested by the applicant as the permit will almost surely have to undergo major revisions to be approved by the Department of Pollution Control and federal agencies.

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Mr. Shevin said no work could be done under the permit, if extended. Mr. Kuperberg explained that no work could be done legally without certification from the Pollution Control Department and federal permit, and the requested 90-day extension should be based on a new land management plan and new biological comments.

Mr. Shevin recommended extension not for 90 days but for the period of time until the Department of Pollution Control reaches a decision. At that time the revised application with new biological reports can be scheduled for complete review by the Trustees.

Mr. Christian made a motion, seconded by Mr. Dickinson, to adopt the Attorney General's recommendations.

Mr. Jack Peeples, attorney for the applicant, requested administrative extension of the permit stipulating that no work would be done until action by Pollution Control on certification. Then the modified plans might be considered by the Trustees in the light of new biological reports. Mr. Peeples expressed the opinion that not to renew the permit would create a situation that would prejudice all parties.

Mr. John T. Wigginton, representing National Audubon Society, an intervenor before the Department of Pollution Control, objected that the Rookery Bay Sanctuary was some 50 feet north of this project, the canal system should be denied as only after denial would the Mackle interests begin redesigning a good plan. Mr. Shevin assured him that the Trustees would allow the other agency an opportunity to take action, no work could be done in the meantime, the plan would require major revision, new biological reports and consideration anew by the Trustees.

Secretary of State Stone said he was voting "no" now or in any way the permit might be modified.

On motion by Mr. Christian, seconded by Mr. Dickinson, and passed four to one, the Trustees extended the permit until a decision has been reached by the Department of Pollution Control, the extension to provide that no work can be done under the permit and the Trustees would completely review major modifications and new biological reports.

In response to Mr. Shevin's question regarding Estero Bay, Mr. Kuperberg said the field survey was in its third week and surveyors would be in the field for thirty to sixty days more.

On motion by Mr. Dickinson, seconded by Mr. Conner and passed without objection, the rules were waived to take up addendum items not on the original printed agenda.

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CHARLOTTE COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Kirby Petroleum Company
Houston, Texas

REQUEST: Consideration of sealed bids for an oil and gas lease.

LOCATION: E½ of NW¼ of SW¼ of NW¼ and W½ of SE¼ of SW¼ of NW¼ of Section 16, Township 41 South, Range 24 East, containing 10 surface acres and 5 net mineral acres in Charlotte County.

INTEREST

OF STATE: The State of Florida holds an undivided one-half interest in all petroleum and petroleum products in this privately-owned parcel as a result of Murphy Act Deed No. 416 dated December 15, 1952. All proceeds from the proposed lease will go to General Revenue unallocated.

The lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/8 royalty and at least one test well drilled to a depth of 6,000 feet or to those intervals within the Lower Cretaceous which are known to produce elsewhere in the area.

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This oil and gas lease sale was considered on October 2, 1973, but because of errors appearing in the Tallahassee Democrat legal notice and the Herald News legal notice, the highest bid was rejected and on November 6, 1973, the Trustees authorized readvertisement of this five-year oil and gas lease for sealed bids.

Invitation to bid was readvertised pursuant to law in the Tallahassee Democrat and the Herald-News in Charlotte County with bids to be opened at 10:00 a.m. EST on December 18, 1973, for consideration by the Trustees. The right to reject any or all bids is reserved.

ACTION OF THE TRUSTEES:

As no bids had been received, no action was taken.

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DUVAL COUNTY - Utility Installation Permit No. 16-39-1276
(July 5, 1973)

This application was deferred on December 4, 1973.

APPLICANT: Department of Public Works, City of Jacksonville
c/o Sverdrup & Parcel & Associates, Inc.
11 East Forsyth Street, Jacksonville, Florida 32202

PROJECT: To dredge and backfill for installation of a 30-inch temporary raw sewage outfall in order to replace several smaller outfalls and consolidate the sewage discharge.

LOCATION: Section 56, Township 2 South, Range 26 East, St. Johns River, Jacksonville, Duval County. Not in an aquatic preserve.

PAYMENT: \$50 received as the utility installation processing fee.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The applicant proposes to install a 30-inch temporary sewage outfall in the St. Johns River in order to replace several smaller outfalls and consolidate the sewage discharge. Installation of the proposed discharge structure should entail only limited disturbance of unvegetated silty sand bottoms provided care is taken to curtail siltation. The long-term degradative effects of the effluent upon the quality of the St. Johns River is best addressed by the Department of Pollution Control. It is expected that these effects will be secondarily reflected in the decline of marine resources.

Bureau of Beaches and Shores - A hydrographic survey will not be required. Applicant should consider placing stone riprap at outfall discharge point.

Game and Fresh Water Fish Commission has reviewed the above-captioned permit application, and offers no objections to its issuance.

Department of Pollution Control offers no objections.

OTHERS: The Board of Trustees Easement Number 25344, dated 25th September 1972 was granted to the City of Jacksonville for construction, installation, operation and maintenance of a sanitary sewer pumping station in Duval County.

NOTE: Representatives from the Department of Pollution Control and the City of Jacksonville are expected to be present.

Staff recommends issuance of a utility installation permit with the stipulation that riprap be placed at the outfall discharge point and that the temporary sewage outfall be removed upon completion of connecting the sewage facilities to the Riverside Pumping Station.

ACTION OF THE TRUSTEES:

Mr. George Groves, general consultant engineer for the City of Jacksonville, made further explanations and answered questions. On being informed that the discharge would be chlorinated, Mr. Stone withdrew his objection. Mr. Groves said sewage from the

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Riverside station could not be pumped to the Putnam plant for treatment until around June of 1975.

Answering Mr. Conner's request for an expression from the Pollution Control Department, Mr. Bill Opp, regional administrator, stated that the Department approved the application.

On motion by Mr. Christian, seconded by Mr. Dickinson, passed without objection, the staff recommendations were approved as the action of the Board.

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ESCAMBIA COUNTY - Second Extension of Dredge Permit
No. 253.123-652 (August 10, 1973)

APPLICANT: William Soule, c/o Wilmer H. Mitchell
P. O. Drawer 1271, Pensacola, Florida 32596

PROJECT: To extend Dredge Permit No. 253.123-652 for 60 days.

LOCATION: Adjacent to Sections 50 and 51, Township 2 South, Range 30 West, Pensacola Bay, Escambia County, not in an aquatic preserve.

MATERIAL: 30,000 cubic yards of dredged material to be placed on beach areas lost by erosion caused by Hurricane Camille.

STAFF REMARKS: Consideration for extension of the dredge permit for one year is awaiting comments from the Department of Pollution Control.

Staff recommends extension of dredge permit No. 253.123-653 for 60 days pending receipt of Department of Pollution Control response.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Shevin, and passed without objection, the Trustees approved extension of the permit for 60 days pending receipt of comments from the Department of Pollution Control.

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DUVAL COUNTY - Extension of Dredge Permit No. 16-21-1422
(August 6, 1973)

On the agenda at the request of the Commissioner of Agriculture's office.

APPLICANT: Commodores Point Terminal Corporation
c/o Harbor Engineering Company
1615 Huffingham Lane, Jacksonville, Florida 32216

PROJECT: To perform maintenance dredging in an existing 1,500 foot long by 150 foot wide shipping terminal to -35 feet mean low water.

LOCATION: Section 45, Township 2 South, Range 27 East, St. Johns River, Jacksonville, Duval County, not in an aquatic preserve.

MATERIAL: Approximately 26,000 cubic yards of material will be dredged (8,000 cubic yards of rock to be deposited on an upland spoil site with 18,000 cubic yards of mud and silt to be deposited on the Grassy Point open water spoil area).

PAYMENT: Payment for 8,000 cubic yards of material at the Duval County rate of \$1.00 per cubic yard to be sent upon request.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The applicant proposes to maintenance dredge in the St. Johns River fronting an existing shipping terminal in Jacksonville. Bottoms 25-29 feet

deep will be dredged to 35 feet mean low water, and an estimated 26,000 cubic yards of material will be removed (18,000 cubic yards of mud and silt and 8,000 cubic yards of rock).

The proposed dredging should not significantly affect estuarine biological resources provided siltation is adequately controlled. The proposed open water disposal of mud and silt in the Grassy Point spoil area would contribute to the general degradation of the St. Johns River. To prevent such further degradation of the St. Johns River and encourage recovery of the marine resources of the Grassy Point area, all spoil should be deposited and contained on appropriate uplands.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that the proposed maintenance dredging would have significantly adverse hydrographic effects. It is recommended, however, that an upland spoil be used rather than spoiling in the St. Johns River.

Game and Fresh Water Fish Commission - comments from this agency have not been received.

Department of Pollution Control - Our regional report on this project indicates that water quality will not be significantly impaired by the proposed maintenance dredging. The cut off date for spoiling in the grassy point location is rapidly approaching. The Department will object to using this open water spoil area after December 31, 1973.

Certification with stipulations on spoil disposal will be issued pending notification of project approval from the Trustees.

Staff recommends the dredge permit be extended for 1 year with the stipulation that future requests for extension will be in accordance with the Jacksonville Port Authority's master plan and upon receipt of \$8,000.00 for the spoil material deposited on uplands.

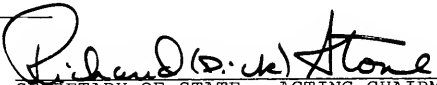
ACTION OF THE TRUSTEES:

Mr. William P. Simmons, Jr., pointed out that the recommendation would permit the use of the Grassy Point spoil area. Mr. Kuperberg affirmed that the staff recommended extension of the existing permit that did include use of that spoil area.

Responding to Mr. Shevin, the Director said that progress was being made by Jacksonville Port Authority on a master plan for port maintenance, that the Corps of Engineers was reviewing the plan and has a proposal to execute a model of the lower fifty miles of the St. Johns River.

On motion by Mr. Conner, seconded by Mr. Dickinson and passed without objection, the staff recommendation was approved as the action of the Trustees.

On motion duly adopted, the meeting was adjourned.


SECRETARY OF STATE - ACTING CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

* * * * *

RESOLUTION

WHEREAS, Ernest Hewitt began his long career of service with the Trustees of the Internal Improvement Fund on April 1, 1941, and

WHEREAS, Ernest Hewitt, as a Specialist in Murphy Act matters, has continually maintained the record

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files covering sales, cancellations of tax sales certificates and releases of reservations involving lands to which title vested in the State of Florida by virtue of the Murphy Act in a knowledgeable and experienced manner, and

WHEREAS, he has performed his duties faithfully and proficiently through reorganization of state government and the staff of the Board of Trustees, and

WHEREAS, he has served the people of the State of Florida with loyalty and devotion;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Internal Improvement Trust Fund expresses its official appreciation for the dedication shown by him in his many years of service, and

BE IT FURTHER RESOLVED that the members of the Board of Trustees of the Internal Improvement Trust Fund on the occasion of Ernest Hewitt's approaching retirement extend to him their best wishes for the years ahead.

IN WITNESS WHEREOF, we place our hands and seals this 18th day of December, A. D., 1973.

REUBIN O'D. ASKEW
GOVERNOR

RICHARD (DICK) STONE
SECRETARY OF STATE

ROBERT L. SHEVIN
ATTORNEY GENERAL

FRED O. DICKINSON, JR.
COMPTROLLER

THOMAS D. O'MALLEY
TREASURER

FLOYD T. CHRISTIAN
COMMISSIONER OF EDUCATION

DOYLE CONNER
COMMISSIONER OF AGRICULTURE

* * * * *

Tallahassee, Florida
January 3, 1974

The State Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Building auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

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On motion adopted without objection, the Trustees approved the minutes of the meetings of November 20 and December 4, 1973.

-2-

ALACHUA COUNTY - Confirm a Public Sale of Murphy Act Land
(December 5, 1973)

DESCRIPTION: Lot 1, Block 5, Willy's Addition to Waldo, Section 23, Township 8 South, Range 21 East, according to Plat Book A, page 33, Public Records of Alachua County, Florida.

LOCATION: This parcel of land is a 50-foot by 100-foot lot in a sparsely developed area in the South-Southwest perimeter of the City of Waldo, Florida. The land has 50-foot frontage on Willy Street, an unpaved street.

APPRAISAL: By staff appraiser, \$300.

AUTHORITY
FOR SALE: Section 197.350, Florida Statutes.

DATE OF SALE: December 3, 1973, by the Clerk of the Circuit Court of Alachua County, Florida.

HIGH BIDDER: Richard O. Merry and Dorothy J. Merry, his wife.
HIGH BID: \$300

Recommend confirmation of sale of this parcel of land to Richard O. Merry and Dorothy J. Merry, his wife, high bidder, for \$300 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board confirmed sale of the land under provisions of the Murphy Act as recommended by the staff.

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HILLSBOROUGH COUNTY - Confirm a Public Sale of Murphy Act Land
(November 28, 1973)

DESCRIPTION: Lot Beg 50 ft N of SW cor of Block 3, and running N 125 ft, E 100 ft S 7 ft and SWly to Beg, Less Lot Beg 32 ft N of SW cor of Block 3 and run North 125 ft E 100 ft, S 5 ft and SWly to Beg. Revised Plat of Crystal Lakes, Plat 25, page 84, Section 14, Township 27 South, Range 18 East, Hillsborough County, Florida.

January 3, 1974

LOCATION: Crystal Lakes Subdivision within which the subject land is located is in North Hillsborough County some seven miles north of Tampa and approximately one mile west of U. S. Highway 41. This suburban community is almost entirely composed of low to moderate density residential subdivisions dispersed with farms and groves.

APPRAISAL: By staff appraiser, \$285.

AUTHORITY

FOR SALE: Section 197.350, Florida Statutes.

DATE OF SALE: November 1, 1973, by the Clerk of the Circuit Court of Hillsborough County, Florida.

HIGH BIDDER: O. H. Beasley and Ethel M. Beasley

HIGH BID: \$285

Recommend confirmation of sale of this parcel of land to O. H. Beasley and Ethel Beasley, high bidder, for \$285, plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Comptroller Dickinson, seconded by Secretary of State Stone and passed without objection, the Board confirmed sale of the land under provisions of the Murphy Act as recommended by the staff.

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HOLMES COUNTY - Confirm a Public Sale of Murphy Act Land
(December 6, 1973)

DESCRIPTION: W½ of NE¼ of SW¼ West of Holmes Creek, Section 30, Township 6 North, Range 13 West, Holmes County, Florida.

LOCATION: This parcel of land is in the vicinity of Reddick Mill Road approximately 2½ miles west of State Road #77, a paved thoroughfare. Neighborhood consists of farm and timber land.

APPRAISAL: By staff appraiser, \$450.

AUTHORITY

FOR SALE: Section 197.350, Florida Statutes.

DATE OF SALE: December 3, 1973, by the Clerk of the Circuit Court of Holmes County, Florida.

HIGH BIDDER: Frank E. Hunter

HIGH BID: \$450

Recommend confirmation of sale of this parcel of land to Frank E. Hunter, high bidder, for \$450 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Comptroller Dickinson, seconded by Secretary of State Stone and passed without objection, the Board confirmed sale of the land under provisions of the Murphy Act as recommended by the staff.

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ESCAMBIA COUNTY - Spoil Area Easement No. 2100-17-253.03

APPLICANT: United States of America by Department of Navy
Southern Division, Naval Facilities Engineering
Command
P. O. Box 10068, Charleston, South Carolina 29411

January 3, 1974

PROJECT: Spoil area easement over a parcel of filled sovereignty land for exclusive use for policing and patrolling in connection with the national defense at the Pensacola Naval Air Station in Escambia County, Florida.

LOCATION: A 54-acres parcel of filled sovereignty land on the westerly shore of Pensacola Bay in Section 1, Township 3 South, Range 30 West, Escambia County, not in an aquatic preserve.

STAFF REMARKS: Parcel was filled by the United States Corps of Engineers between May 1951, and June 11, 1959.

Staff requests authority to grant the easement requested for the purpose of policing and patrolling in connection with the national defense at the Pensacola Naval Air Station.

ACTION OF THE TRUSTEES:

On motion by Comptroller Dickinson, seconded by Secretary of State Stone and passed without objection, the Trustees granted the request for an easement for policing and patrolling the spoil area in connection with the national defense.

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ESCAMBIA COUNTY - Dedication File No. 2100-17-253.03

APPLICANT: United States of America by Department of Navy Southern Division, Naval Facilities Engineering Command P. O. Box 10068, Charleston, South Carolina 29411

PROJECT: Dedication of a 2.68-acre, more or less, parcel of sovereignty land upon which the United States Navy has constructed docks. The purpose of the dedication is for the protection of waterfront structures and to prevent encroachment by unauthorized personnel.

LOCATION: 2.68 acres, more or less, of sovereignty land in Section 1, Township 3 South, Range 30 West, Escambia County, not in an aquatic preserve.

STAFF REMARKS: This will complete the Navy's acquisition of 15 parcels for protection of the waterfront structures at the Pensacola Naval Air Station.

ECOLOGICAL RESOURCES:

Not applicable; no dredging or filling involved.

Staff requests authority to issue the dedication for dock purposes and for the prevention of unauthorized ingress and egress into the Pensacola Naval Air Station

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized dedication of the parcel of sovereignty land for the purposes requested by the United States Department of the Navy.

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MANATEE COUNTY - Dredge Permit No. 41-24-0464

APPLICANT: Manatee County Park & Recreation Department

On December 18, item #3, the Board approved issuance of Dredge Permit No. 41-24-0464 to Manatee County Park and Recreation Department for maintenance dredging in two existing boat basins to -4.5 feet mean sea level, with approximately 740 cubic yards of material to be removed and deposited on uplands.

The county requested waiver of all fees as this is a public facility, but the staff recommendation for approval of the permit inadvertently omitted request for waiver of the fee.

Request authority to waive payment of fee for this public project.

January 3, 1974

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees waived payment of fees for the public project of Manatee County Park and Recreation Department.

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BREVARD COUNTY - Extension of Dredge & Fill Permit No. 253.123-543
and 253.124-124 (March 5, 1973)

APPLICANT: Oakland Consolidated Corporation
c/o J. Lewis Hall, Jr.
P. O. Drawer 840, Tallahassee, Florida 32302

PROJECT: To extend the permit issued by the Board of Trustees on March 17, 1970, (extended 6 months on March 20, 1973, and for 3 months on September 18, 1973) until comments have been received from the state environmental agencies.

LOCATION: Government Lot 6, Section 31, Township 34 South, Range 37 East, Newfound Harbor, Brevard County.

MATERIAL: All dredging except navigation access channel to be done on applicant-owned submerged land.

ECOLOGICAL RESPONSES:

Department of Natural Resources comments have not been received for consideration of extension of the permit.

Game and Fresh Water Fish Commission, December 6, 1973: We have objected to the original proposal (our letters of April 19, 1971, and May 23, 1972) based on the biological damage that would result. In order to protect the marine and wildlife resources of this area we must maintain our objections to this proposal and to any extension of current permits.

Department of Pollution Control comments have not been received for consideration of extension of the permit.

NOTE: The Board of Trustees in meeting on March 17, 1970, authorized issuance of Permit 253.123-543 and 253.124-124 in accordance with settlement of pending litigation recommended by Trustees' general counsel and the Assistant Attorney General.

The applicant is still in negotiation to obtain a Corps of Engineers permit which as of September 12 remained unresolved.

On September 11, 1973, the applicant's attorney advised the staff that the applicant wished the item placed on the September 18, 1973, agenda in its present form. A review of the file indicated that up-to-date state environmental agencies' comments would be required before the Trustees' staff could submit a recommendation.

Staff recommends extension of existing Permit No. 253.123-543 and 253.124-124 for 60 days during which time no work will be done pending current review by the state environmental agencies.

ACTION OF THE TRUSTEES:

Motion was made by the Comptroller, seconded by the Secretary of State and passed without objection, to extend existing Permit No. 253.123-543 and 253.124-124 for 60 days during which time no work will be done pending current review by the state environmental agencies.

Attorney General Shevin pointed out that the application would be brought back to the Board before any work could be done, for consideration of permitting.

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DADE COUNTY - Construction Permit No. 13-22-0889
(May 25, 1973)

Reagendaded at the request of the Secretary of State.

January 3, 1974

APPLICANT: Metropolitan Dade County Public Works Department
Room 801, Justice Building
1351 N.W. 12 Street, Miami, Florida 33125

PROJECT: To construct a 42-inch storm sewer outfall and headwall
to allow drainage for 16.4 acres of urban area within
the City of Miami.

LOCATION: Section 34, Township 53 South, Range 41 East, Miami
River, Dade County.

STAFF REMARKS: Field Operations Division has no objections to the
proposed project.

ECOLOGICAL RESPONSES: Department of Natural Resources: Survey
and Management - The applicant proposes to install a 42-inch storm
sewer at the foot of Northwest 25th Avenue that would drain into
the Miami River. The construction of the storm drain should not
have significant adverse effects on marine biological resources.
However, unrestricted urban storm water runoff can be expected
to speed the introduction of pollutants into the marine ecosystem
and further degrade the receiving body.

Beaches and Shores - A hydrographic survey will not be required.
It is improbable that this project will have significantly adverse
hydrographic effects.

Game and Fresh Water Fish Commission - Although we have no recom-
mendations concerning this specific outfall, we do have indications
that outfalls of this type transmit pollutants, from roadways and
urban areas, into open waters. The addition of these pollutants
into lakes, rivers or streams accelerates the eutrophication pro-
cess or adds harmful elements which alter the ecological processes
needed to sustain a variety and diversity of aquatic life. For
the above reasons we take this opportunity to encourage the
research and development of new processes of controlling storm
drainage. Methods should be devised to eliminate pollutants
from directly entering open water bodies.

Department of Pollution Control has no objections to the project.
The installation of sumps and percolation bottom modifications to the
inlet structures will help the situation. Certification will be
issued pending receipt of the proof of publication and notification
of approval by the Cabinet.

OTHERS: Letter from Secretary of State Stone:
This is to inform you that item #10 of your November 6, 1973 agenda,
which I deferred, should be reagendaed for the first Cabinet meeting
in January. This agenda item was a request by the Metropolitan Dade
County Public Works Department for construction permit #13-22-0889
for a 42" storm sewer outfall into the Miami River. The objections
that I had to this item have been explained and modifications have
been made to this particular storm sewer system which will reduce the
harmful effects that this particular system could have produced.

Staff recommends that the construction permit be issued.

ACTION OF THE TRUSTEES:

On motion by the Comptroller, seconded by the Secretary of
State and passed without objection, the Trustees approved issuance
of the Construction Permit No. 13-22-0889.

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DADE COUNTY - Fill & Construction Permit No. 13-39-1222
(June 29, 1973)

APPLICANT: Maule Industries, c/o Henry B. Burks
P. O. Box 2035, Hialeah, Florida 33012

PROJECT: To fill approximately 3.44 acres for construction of a
200-foot earthen dike across Palmer Lake.

LOCATION: Section 29, Township 53 South, Range 41 East, Palmer
Lake, Dade County, not in an aquatic preserve.

January 3, 1974

MATERIAL: Approximately 99,900 cubic yards of fill material obtained from uplands will be used for construction of the proposed dike.

PAYMENT: \$50 received as processing fee.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The currently proposed project should have only limited adverse effects upon marine resources.

Bureau of Beaches and Shores - A hydrographic survey will not be required. This project consists of the filling of approximately one-quarter of Palmer Lake for industrial use. This would reduce somewhat the tidal prism of the Miami Canal/River system. Based on a previous study, however, it is estimated that the reduction in maximum velocity in the Miami Canal adjacent to Palmer Lake would be in the order of ten percent and the reduction of maximum velocity at the mouth of the Miami River would be less than two percent. The hydrographic effects of this reduction in flow would be minimal and this work would not substantially affect the flow conditions in the canal/river system.

Game and Fresh Water Fish Commission has reviewed the permit application and offers no objection to its issuance.

Department of Pollution Control intends to issue water quality certification to the applicant pending approval of the application by the Trustees of the Internal Improvement Trust Fund.

OTHERS: The Metropolitan Dade County Zoning Appeals Board Resolution Number 4-ZAB-630-72 was approved and adopted on December 11, 1972.

Staff recommends issuance of the fill and construction permit.

ACTION OF THE TRUSTEES:

On motion by the Comptroller, seconded by the Secretary of State and passed without objection, the Trustees approved issuance of Fill and Construction Permit No. 13-39-1222.

-10-

DUVAL COUNTY - Dredge Permit No. 16-21-0034
(May 11, 1972)

APPLICANT: Can Do, Inc.
P. O. Box 30, Gainesville, Florida 32601

PROJECT: To maintenance dredge material from two existing canals.

LOCATION: Section 7, Township 3 South, Range 29 East, Duval County, not in an aquatic preserve.

MATERIAL: Approximately 8,000 cubic yards of material to be placed on old spoil area located at the mouths of the canals.

STAFF REMARKS: Field Operations Division reports that the areas where the spoil is to be placed are tidal marshes with tidal creeks running through them. These areas provide food and habitat for many marine and upland animals and therefore should be maintained in their natural state. This project does not serve the best interest of the people and should not be approved because of the destruction of these tidal marshes.

ECOLOGICAL RESPONSES:

Department of Natural Resources - Redredging bottoms in the two existing canals and the short section of Open Creek should have only limited adverse effects on marine biological resources provided certain conditions are followed. Offshore bottoms should not be dredged deeper than minus five feet mean low water and no wider than fifty feet. Shallow, near shore areas vegetated by cordgrass should not be dredged or filled. Silt-retaining devices should be used around dredging operations to preclude damaging nearby creek and marsh systems. Portions of the spoil and/or dredge site, especially along Open Creek, contain productive tidal areas that are sandy and vegetated by cordgrass.

Game and Fresh Water Fish Commission - The canals themselves are of little biological value. However, an extensive spartina-juncus marsh is located on the opposite side of Open Creek from the mouth of the canals. These marshes support a multitude of fish and wild-life species, including herons, egrets, shorebirds, rails and are nursing ground for many marine fishes. If excessive siltation occurs as a result of the project, biological damage will be done. We feel that the work can be done without deleterious effects if Can Do, Inc. is required to erect a silt diaper consisting of tight woven burlap at the mouth of each canal.

Department of Pollution Control, January 1, 1973 - Issued a letter of exemption on June 20, 1972, and no further action will be required by this Department.

NOTE: 1. Applicant states that spoil will be placed on the old spoil area; there will be no discharge on the tidal marshes; a Mud Cat will be used to control as much as possible the turbidity.
2. City of Jacksonville, Department of Public Works, letter dated May 18, 1972, stated that the City of Jacksonville has no objection to the proposed maintenance dredging.

Staff recommends a dredge permit be issued with the stipulation that spoil be placed on high, dry uplands and turbidity screens be utilized around the dredge and spoil sites.

ACTION OF THE TRUSTEES:

On motion by the Comptroller, seconded by the Secretary of State and passed without objection, the staff recommendation was approved as the action of the Board.

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MONROE COUNTY - Dredge & Construction Permit No. 44-39-1227
(Revised November 14, 1973)

APPLICANT: Kings Point Marina & Yacht Club
c/o Robert Routa, 1112 Linwood Drive
Tallahassee, Florida 32304

PROJECT: To dredge for removal of three earthen plugs from existing boat basins, construct 376 feet of exterior vertical concrete seawalls with 43 finger piers and vertical seawalls to be installed within the existing basins.

LOCATION: Section 2, Township 68 South, Range 25 East, Hawk Channel Monroe County, not in an aquatic preserve.

MATERIAL: Approximately 1,600 cubic yards of material will be dredged and deposited on uplands.

PAYMENT: Not required as the area to be dredged is in private ownership.

STAFF REMARKS: In accordance with the attached memorandum, Field Operations requests that a topographic and cross sectional survey be submitted by the applicant prior to the further consideration of this permit application. This survey is to verify the adherence to the specification of Permit No. 253.03-154.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The applicant proposes to remove three plugs, thereby connecting three existing boat basins, whose dimensions are 375 feet by 100 feet, 375 feet by 175 feet and 375 feet by 275 feet, to an existing channel near the southeast corner of Stock Island. Vertical concrete seawalls, 43 finger piers, electric circulators, a sanitary dump station, and box culverts will be installed prior to removal of the plugs. The smallest basin is already open. The area of proposed work was initially altered by the excavation of the channel and filling of shallow intertidal areas under a Corps of Engineers Permit (No. 64-477). Bottom samples taken from adjacent submerged areas in depths from -2 feet to -36 feet consisted of marl-mud fines and shell fragments and were devoid of macroscopic life except for

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two small bivalves collected in 2 feet of water across the channel from the project area. Many of the adjacent shallow bottoms are covered by what appears to be a blue-green algal mat. Any disturbance of submerged land in the channel or the shallow area west of the channel results in the release of hydrogen sulfide gas.

Vertical concrete seawalls are being emplaced inside the closed basins and adjacent to the marl-mud and small rock rubble that comprise the sides of the basins. The only vegetation observed in the work area consisted of scattered tufts of Batophora growing on the intertidal areas of the marl-mud banks.

The removal of the plugs and connection of the two closed boat basins to the existing channel, per se, should not have further adverse effects on marine biological Resources of the area.

The long-term impact of this project will depend upon the types of upland activities associated with the finished project and to efforts made by the owners to prevent deleterious materials from entering the waters of the marina. This subject is most appropriately developed by the Department of Pollution Control.

Bureau of Beaches and Shores - A hydrographic survey will not be required. In view of the 30-foot deep channel that borders the proposed marina to the west, it is improbable that stratification will result even though the proposed depths of the basins are 10 feet mean low water. Permeable foundations for the interior roadways (piles, rubble) would have allowed free communication for the water within the basins. The proposed culvert, thruster arrangement, however, appears adequate to prevent stagnation within the marina.

Game and Fresh Water Fish Commission - The applicant proposes maintenance dredging and removal of turbidity plugs in three marina basin facilities in Hawk Channel. These facilities, not listed on the application, were apparently constructed under a Corps of Engineers permit along with an adjoining access channel. The biological resources of this area have already been seriously degraded by dredging and filling under permit. Therefore, our agency defers comments to the Department of Pollution Control regarding the water quality problems anticipated within these basins upon plug removal and utilization.

Department of Pollution Control has reviewed the subject project and offers no objections. Certification will be issued pending notification of Trustees' approval.

Staff recommends the dredge and construction permit be issued with the stipulations that registered surveyor certify access channel dimensions, payment for balance of material be submitted before issuance of the permit, and turbidity screens be utilized during construction.

ACTION OF THE TRUSTEES:

On motion by the Comptroller, seconded by the Secretary of State and passed without objection, the staff recommendation was approved as the action of the Board.

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VOLUSIA COUNTY - Construction & Fill Permit No. 64-11-0125
(Revised September 14, 1973)

APPLICANT: Lowell B. Anderson
192 Royal Dunes Circle, Ormand Beach, Florida 32074

PROJECT: To construct a sloping riprap seawall approximately 117.05 feet long and to backfill for reclamation for eroded property.

LOCATION: Section 28, Township 13 South, Range 32 East, Halifax River, Volusia County, not in an aquatic preserve.

MATERIAL: No dredging required; backfill material to be obtained from an upland source.

January 3, 1974

STAFF REMARKS: Field Operations recommends approval of the project as presented in the revised application.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - In the revised application of August 19, 1973, the proposed seawall has been relocated landward and replaced with a riprap revetment, which will apparently enable conservation of shoreline vegetation (black rush and cordgrass) fronting the north half of the subject property. The proposed riprap revetment and backfill should not significantly affect marine biological resources provided care is taken to avoid destroying shoreline vegetation during installation.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission has reviewed the project revision and has no objection to its implementation as proposed.

Department of Pollution Control has no objections to the project as revised on August 19, 1973, by Mr. Anderson and we are requesting that the Trustees forward copies of the drawing. Certification will be issued pending a favorable response to the public notice and notification of Cabinet approval.

Staff recommends issuance of the construction and fill permit.

ACTION OF THE TRUSTEES:

On motion by the Comptroller, seconded by the Secretary of State and passed without objection, the Trustees authorized issuance of the construction and fill permit.

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ALACHUA COUNTY - Public Utilities Easement

APPLICANT: City of Gainesville

REQUEST: Easement for sanitary sewer line.

LOCATION: 1.16 acres in NW¼ of Section 26, Township 9 South, Range 20 East, Alachua County.

The requested easement is to be 20 feet wide and 2,531.58 feet long, located on the south side of State Road S-232 (NE 39 Ave.) involving a portion of Sunland Training Center property at Gainesville, for the construction of an 8" gravity sanitary sewer line. The easement will provide services to the proposed Community Correctional Center, proposed Department of Transportation warehouse and the existing Alachua County Juvenile Shelter.

The Department of Health and Rehabilitative Services has reviewed and approved the easement.

Recommend issuance of the easement for sanitary sewer line purposes only.

ACTION OF THE TRUSTEES:

On motion by the Comptroller, seconded by the Secretary of State and passed without objection, the Trustees granted the request of the City of Gainesville for easement for sanitary sewer line purposes only.

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SANTA ROSA COUNTY - Electric Distribution Line Easements

APPLICANT: Escambia River Electric Cooperative, Inc.
Jay, Florida 32565

REQUEST: 3 easements across state lands in the Blackwater River State Forest for electric distribution line purposes.

January 3, 1974

LOCATION: (1) An easement 20 feet wide and 386 feet long across the NW¼ of NE¼ of Section 12, Township 3 North, Range 27 West, containing approximately 0.1772 acre;
 (2) An easement 10 feet wide and approximately 3 miles long in Sections 20, 21, 22 and 27, Township 5 North, Range 27 West;
 (3) An easement 10 feet wide and 2,957 feet long in NE¼ of NW¼ and SE¼ of NW¼ of Section 14, Township 5 North, Range 28 West, containing 0.34 acre, more or less, in Santa Rosa County.

The Division of Forestry, Department of Agriculture and Consumer Services, has reviewed and approved these easements stating that the proposed electric lines will be installed along existing road right of way and gas line easements.

Recommend issuance of the easements for electric distribution line purposes only.

ACTION OF THE TRUSTEES:

On motion by the Comptroller, seconded by the Secretary of State and passed without objection, the Trustees approved the electric distribution line easements requested by Escambia River Electric Cooperative, Inc.

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PALM BEACH COUNTY - Land Exchange

APPLICANT: T-R Land Corporation
 South Bay, Florida

REQUEST: Exchange of 983 acres of land owned by T-R Land Corporation for 920 acres of land owned by the Board of Trustees.

LOCATION: The T-R 983 acres consists of all of Section 25, Township 46 South, Range 38 East and all of Section 30, Township 46 South, Range 39 East, lying west of Levee L-6.

The Trustees' 920 acres consists of all of Section 27 and the west 300 acres of Section 26, Township 46 South, Range 38 East, all lying in Palm Beach County.

APPRAISAL: By Joe R. Kern, SRA, Palm Beach, Florida, \$737,250 (\$750 per acre) T-R Land Corp. land, \$690,000 (\$750 per acre) Trustees' land. This appraisal has been reviewed and approved by staff appraiser.

STAFF REMARKS: T-R's ownership is separated by two sections of unimproved land owned by the Trustees. T-R would like to block solid its ownership by this proposed exchange which will enable them to develop all of their holdings for agriculture purposes with the present water control facilities eliminating the need for another pumping system.

These two tracts lie approximately 25 miles south of Belle Glade and 4 to 7 miles east of U. S. Highway 27. The tracts are contiguous and presently unused, vacant and unimproved typical Everglades muck soil to a depth of 4' to 7' overlaying hard rock with native grasses and brush-type growth and little if any tree-growth. One benefit that will accrue to the state is the receipt of approximately 63 acres of additional land.

The Central and Southern Florida Flood Control District, in review of the proposed exchange, stated the District has no objection to the exchange and from the standpoint of the District, considered it would be advantageous because additional state land would be located adjacent to Levee L-6.

Game and Fresh Water Fish Commission has reviewed and strongly urges the exchange because the land to be received is a better wildlife habitat than the Trustees' land.

January 3, 1974

Staff recommends the proposed exchange be approved subject to Palm Beach County advising that the County does not desire the land for public outdoor recreational purposes pursuant to Section 253.111, Florida Statutes and subject to T-R Land Corporation furnishing satisfactory evidence to show marketable title.

ACTION OF THE TRUSTEES:

Updated appraisals (furnished by memorandum to the members and set out above under "APPRAISAL") for the land of T-R Land Corporation and the Trustees had been reviewed and approved by the staff appraiser.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the rules were waived for consideration of the following application that was deferred on December 18, 1973.

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PALM BEACH COUNTY - Construction & Fill Permit No. 50-39-1094
(June 6, 1973)

This application was deferred on December 18, 1973.

APPLICANT: Coastal Towers Property, Inc., c/o Foresight, Inc.
Suite 209, Drummond Building, 201 North Federal Highway
Deerfield Beach, Florida 33441

PROJECT: To construct a vertical concrete seawall and backfill approximately 300 feet of the Intracoastal Waterway shoreline with six 20 by 3.5 feet docks to be constructed along the seawall.

LOCATION: Section 27, Township 45 South, Range 43 East, Intracoastal Waterway, City of Boynton Beach, Palm Beach County, not in an aquatic preserve.

MATERIAL: Approximately 4,200 cubic yards of fill material to be obtained from upland sources will be used as backfill.

PAYMENT: \$100 received as a construction permit processing fee.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The applicant proposes to bulkhead and backfill approximately 300 feet of the Intracoastal Waterway shoreline and construct six 20-foot docks. The proposed seawall would generally extend some 50 feet offshore and would tie in with existing seawalls (Photo 1) at each end (a causeway borders the subject area to the north).

The proposed bulkhead and backfill will contribute to the continuing alteration of the Intracoastal Waterway shoreline which is resulting in the degradation of the waterway as a functional biological system. To best conserve marine and estuarine resources, a riprap revetment should be constructed at the shoreline in such a manner as to conserve the mangroves.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission concurs with the comments of the Survey and Management Section of the Department of Natural Resources.

Department of Pollution Control has no objection to the subject project and therefore recommends its approval with the understanding that turbidity of the adjacent waters is to be minimized by use

January 3, 1974

of turbidity control devices throughout construction. Furthermore, the applicant has agreed to place sloping riprap on the water side of the bulkhead. Certification will be issued upon notification of favorable review by the Trustees.

OTHERS: 1. The Central and Southern Florida Flood Control District issued a letter of no objection on September 10, 1973.
 2. The Board of County Commissioners of Palm Beach County at its meeting on August 7, 1973, stated that this project was in the public interest.
 3. The City Council of the City of Boynton Beach at its regular meeting of August 21, 1973, approved issuance of a construction permit.
 4. The Area Planning Board of Palm Beach County at its meeting of July 18, 1973 approved this project subject to the following stipulations: a) a sloping riprap revetment be used for shoreline protection, b) the alternate location of the north section of the revetment conform to the wishes of the DOT, c) maximum controls be used to retard turbidity and siltation.
 5. By letter of May 9, 1973, the Florida Inland Navigation District has no objections to the proposed construction of a seawall and docks along the west bank of the Intracoastal Waterway.
 6. Department of Transportation on May 16, 1973, granted approval for construction of a proposed seawall as it may affect this Department's concrete retaining wall located on the south side of SR 804, with the requirement that a pile will be driven at a point adjacent to the southwesterly end of the present retaining wall in order that the proposed seawall will not, in essence, become an integral part of the existing concrete wall.


Staff recommends that construction and fill permit be issued with the stipulation that turbidity screens be utilized during construction and sloping riprap be placed on the waterward side of the vertical seawall.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that additional information has been furnished that was not available to the staff at the time the original staff recommendation was made on this application. This is a land cut section of the Intracoastal Waterway, and restoration of the original shore line will all be done on privately-owned land.

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation was accepted as the action of the Board.

On motion duly adopted, the meeting was adjourned.


 GOVERNOR - CHAIRMAN

ATTEST:


 EXECUTIVE DIRECTOR

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Tallahassee, Florida
January 15, 1974

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

PALM BEACH COUNTY - Report on Litigation

Before the regular agenda was considered, Attorney General Shevin commented briefly on the Hilton Inn litigation (Ocean Hotels, Inc., a Florida corporation, vs the State of Florida Department of Natural Resources, and The Florida Board of Trustees of the Internal Improvement Trust Fund ex rel Robert F. Shevin, Attorney General, vs Ocean Hotels, Inc., a Florida corporation, 73-360 CA L 01 KNOTT, 15th Judicial Court in and for Palm Beach County, Florida).

Mr. Shevin advised that Judge James Knott upheld the action of this cabinet in ordering the Hilton Inn to tear down the seawall and fully endorsed the position that this cabinet took in that matter.

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On motion adopted without objection, the Trustees approved the minutes of December 18, 1973, as submitted.

-2-

PALM BEACH COUNTY - Seismic Survey Permit
(December 3, 1973)

APPLICANT: Shell Oil Company
Post Office Box 1411, Arcadia, Florida

REQUEST: Permission to conduct a seismic survey across state-owned land.

LOCATION: A line running across Sections 19, 27 and 29, Township 47 South, Range 35 East, Sections 1, 12, 13, 20, 21, 22, 23, 24, 25 and 36, Township 47 South, Range 36 East, Section 1, Township 48 South, Range 36 East, Sections 1, 12 and 13, Township 45 South, Range 37 East, Sections 18 and 19, Township 47 South, Range 37 East, Sections 6, 7, and 18, Township 45 South, Range 38 East, all of Section 36 West of canal, Township 46 South, Range 38 East, and all of Sections 1, 2 and 11 west of canal and Section 3, Township 47 South, Range 38 East, in Palm Beach County.

The Game and Fresh Water Fish Commission has reviewed this request and advises that as these sections are within the Everglades Wildlife Management Area, there is no objection to the survey provided the following basic protective measures used in a similar survey of the Corbett Wildlife Management Area are required:

1. To fill and tamp all shot holes;
2. That clearing of vegetation will be restricted to the immediate vicinity of the seismic line and shot holes;
3. That no trees shall be cut or clearing of any kind permitted without prior approval from the Commission;

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4. That any clearings which are approved must be seeded and fertilized following the seismograph work;
5. To notify the Commission within 7 days prior to initiating any seismograph work in the game management area and upon completion of the seismograph work notify the Commission that the operation has terminated;
6. That no seismograph work will be performed on the game management area during any open hunting season;
7. To indemnify and hold the Commission harmless of any liability or loss resulting from the seismograph operations under this permit;
8. That all phases of the seismograph operation will be performed in accordance with proper safety practices, and in such a manner as will preserve the terrain and other habitat within the management area.

The Central and Southern Florida Flood Control District has no objection to the survey.

The Department of Natural Resources, Division of Interior Resources, has no objection to the survey providing Shell restores the hole in accordance with acceptable practices to prevent the co-mingling of surface ground water.

The Department of Pollution Control offers no objection to the survey.

W.P.M., Inc., holder of Agriculture Lease No. 2376 covering Section 11, Township 47 South, Range 38 East, has approved the survey across this parcel of land.

A. Duda and Sons, Inc., holder of Agriculture Lease No. 1935-1935-S covering Sections 1, 12 and 13, Township 45 South, Range 37 East, and Sections 6, 7 and 18, Township 45 South, Range 38 East, has approved the survey across these sections of land.

Staff recommends granting Shell Oil Company permission to conduct its seismic survey across these state lands subject to the above conditions recommended by the Game and Fresh Water Fish Commission.

ACTION OF THE TRUSTEES:

On motion by Secretary of State Stone, seconded by Comptroller Dickinson and passed without objection, the Trustees granted permission to Shell Oil Company to conduct the seismic survey across the above described lands subject to the conditions recommended by the environmental agency.

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DADE COUNTY - Disclaimer Request

APPLICANT: Edward S. Jaffry
Tallahassee, Florida

REQUEST: Disclaimer of interest in oil and mineral rights.

LOCATION: Section 4, Township 52 South, Range 40 East, Dade County.

The Trustees did on September 24, 1917, by Deed No. 16571 convey to Tatum Land Company all of Section 4 (with other lands) reserving an interest in the oil and minerals. Title to this section of land later vested in the state under the "Murphy Act" merging with the interest of the state reserved in Deed No. 16571.

On November 8, 1941, the Trustees conveyed Section 4 under authority of the "Murphy Act" by Murphy Act Deed No. 1583, without reserving an interest in the oil and minerals. Because of the oil and mineral interest reserved in the earlier deed, title examiners contend this creates a cloud on the title to Section 4.

Staff legal counsel has reviewed this matter and finds it would be in order to issue a disclaimer of interest in the oil and minerals because of the merger of title under the Murphy Act with the reserved interest held by the state.

Staff recommends issuance of an ex parte instrument disclaiming any interest in the oil and minerals in Section 4, Township 52 South, Range 40 East, because of the merger and subsequent conveyance without reservation, upon payment of a processing fee of \$25.00.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the staff recommendation was approved as the action of the Board.

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VOLUSIA COUNTY - Public Road Easement

APPLICANT: City of Daytona Beach

REQUEST: Easement for public road right of way across state land in use by the Bureau of Blind Services, Department of Health and Rehabilitative Services.

LOCATION: That part of the northerly 90 feet of Lot 4, Block 4, George E. Coleman's Addition to Daytona, Plat Book 1, Page 155, Public Records of Volusia County, lying between the easterly right of way of Heineman Street and the centerline of White Street.

The Department of Health and Rehabilitative Services has reviewed and approved issuance of the easement.

Staff recommends issuance of the easement to the City of Daytona Beach for public road purposes.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees granted the request of the City of Daytona Beach for the public road easement.

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BROWARD COUNTY - Dredge Permit No. 06-23-1522
(December 21, 1973), (Revised)

APPLICANT: Florida Power and Light Company
c/o W. J. Barrow, Jr.
Post Office Box 3100, Miami, Florida 33101

PROJECT: To dredge 250 cubic yards and backfill approximately 54 cubic yards for installation of two 10-inch steel pipes 259.45 feet long, across the New River, near Southwest Fourth Avenue.

LOCATION: Section 10, Township 50 South, Range 42 East, New River, Fort Lauderdale, Broward County, not in an aquatic preserve.

MATERIAL: Approximately 250 cubic yards of material to be removed from state-owned submerged lands and spoil (196 cubic yards) to be placed on upland property, and approximately 54 cubic yards will be used as backfill.

PAYMENT: \$250 received as payment for 250 cubic yards of material to be removed from state-owned submerged lands.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The applicant proposes to install two 10-inch diameter pipes in the bottom of the New River near Southwest Fourth Avenue.

If siltation is adequately controlled, this project should have limited adverse effects on marine biological resources. In addition, unnecessary disturbance of adjacent intertidal lands should be avoided.

January 15, 1974

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - We have reviewed the above-captioned permit application, and offer no objection to its issuance.

Department of Pollution Control - Please be advised that the Department offers no objection to the installation of the proposed subaqueous transmission cables. Certification will be issued pending notification of Trustees approval. Certification includes stipulations that are required to protect water quality in the subject area.

Staff recommends issuance of the dredge permit with the stipulation that turbidity control devices be utilized during installation and unnecessary disturbance of adjacent intertidal lands should be avoided.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the permit with the stipulations recommended by the staff.

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BROWARD COUNTY - Dredge and Fill, Seawall, Permit No. 06-39-1327
(November 6, 1973) (Revised)

APPLICANT: Motek Messer
c/o Arthur V. Strock and Associates, Inc.
829 Southeast Ninth Street, Palm Plaza
Deerfield Beach, Florida 33441

PROJECT: To perform maintenance dredging in an area 551.36 feet long, 20 feet wide and to a -3.0 mean low water, construct a concrete vertical seawall 551.36 feet long with rock riprap to be placed on the waterward side, and to fill behind the proposed seawall.

LOCATION: Section 6, Township 49 South, Range 43 East, Spanish River, Pompano Beach, Broward County, not in an aquatic preserve.

MATERIAL: Approximately 350 cubic yards to be dredged from an artificial land cut and deposited on upland spoil site above the high water mark and to deposit approximately 2,400 cubic yards of clean sand behind the proposed seawall.

PAYMENT: No payment for material removed, as the project is in an artificial land cut.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The applicant proposes to construct approximately 550 feet of vertical concrete bulkheads along the east side of the Spanish River, place rip-rap at the toe of the bulkhead, install a storm drain system, and dredge shallow near-shore bottoms to -3 feet mean low water.

The proposed bulkhead would project far enough out in the Spanish River so that there would be very little dredging necessary to reach the proposed -3 feet mean low water. The proposed location of the bulkhead would form one right angle discontinuity at each end. It would be more conservative to connect the proposed bulkhead with the existing bulkhead to the north, angling it gradually to terminate at the intersection of the south property line and the mean high water line. This would allow some shallow sandy bottom to extend beyond the rip-rap, setting a precedent for the shoreline immediately to the south which appears to be the only section of shoreline that will be without a bulkhead in the north half of the Spanish River.

January 15, 1974

Bureau of Beaches and Shores - A hydrographic survey will not be required. The proposed seawall is located seaward of the existing bulkhead to the north. Such an alignment is discouraged. If soil conditions permit, it is recommended that rip-rap at a gentle slope on an appropriate filter bedding be used to stabilize the shoreline and prevent further bank erosion. If a vertical seawall must be used, it is recommended that the rip-rap extend up to the elevation of mean high water so that it will retard wave reflection.

Game and Fresh Water Fish Commission - The applicant's proposal to remove 350 cubic yards of sand and to bulkhead along the intended portions of land as indicated on the application should have minimal adverse effects on the fish and wildlife resources of this area provided riprap is placed along the base of the bulkhead.

Department of Pollution Control - In regard to the subject project it is recommended that the seawall connect to the existing wall at the north angle into the line of mean high water and follow the line to mean high water to the south end of the property. Dredging waterward of the wall would be dependent upon the DNR recommendations.

OTHERS: The City Commission of the City of Pompano Beach, at its regular meeting on December 4, 1973, passed and adopted Resolution No. 74-75 granting a permit to Southeastern Development Corporation for construction of a bulkhead and fill, subject to the stipulation that the applicant agree to the location suggested by Department of Natural Resources.

NOTE: Applicant has revised the project as recommended by the Department of Natural Resources and Department of Pollution Control by letter of November 6, 1973.

Staff recommends a construction permit be issued.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the construction permit as recommended by the staff.

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PALM BEACH COUNTY - Dredge & Construction Permit No. 50-20-0362
(January 5, 1973)

This item was withdrawn from the December 4, 1973 agenda (item #23) at the request of the applicant.

APPLICANT: South County Service Corporation
c/o James D. Carlton, Inc.
P. O. Box 461, West Palm Beach, Florida 33402

PROJECT: To dredge a canal approximately 1,500 feet long with width from 80 to 165 feet on uplands and to bulkhead the proposed canal with concrete seawall and riprap.

LOCATION: Section 27, Township 42 South, Range 43 East, Lake Worth, City of Riviera Beach, Palm Beach County, not in an aquatic preserve.

MATERIAL: Approximately 100 cubic yards of material to be dredged on private property and the material to be trucked from the site.

PAYMENT: No payment required for the material dredged as the property is in private ownership.

STAFF REMARKS: Field Operations Division has no objections to the proposed project.

ECOLOGICAL RESPONSES:
Department of Natural Resources, Survey and Management, March 14, 1973:
Since scientists throughout the State of Florida have provided evi-

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dence that canals in residential areas tend to generate poor-quality water, careful consideration should be given to the fact that numerous canals along with other dredge and fill activities have already adversely affected biological resources in Lake Worth to the extent that only one area of highly productive grass flats remains, and these flats lie less than a mile north of the subject area. The existing fill of which the subject property is a part has eliminated submerged, vegetated bottoms and presently restricts tidal flushing of the remaining grass flats. Before a permit is granted for the proposed connection, the applicant should provide assurance that water quality would not be adversely affected in Lake Worth.

Bureau of Beaches and Shores, August 10, 1973: In the subject study the investigator analyzed circulation conditions in an existing canal to predict the response in the proposed marina. The effects of the wind will be somewhat limited since the area is sheltered to both the north and east. The subject study includes dissolved oxygen measurements in the area. These measurements, however, were not taken at the hours of lowest concentrations. In addition, insufficient measurements were taken to establish the daily range of D.O. values. In conclusion, the report shows that the culvert-tide pump arrangement would significantly enhance the replenishment of the water within the marina and the flood oriented arrangement would be more effective than the proposed ebb orientation. Stratification is improbable and the water within the marina will be exchanged rather frequently with the waters of Lake Worth. This does not ensure that the marina will not affect the water quality of Lake Worth, but it does indicate the waterway will not become stagnant and that foreign matter introduced into the marina will be flushed out into Lake Worth.

Game and Fresh Water Fish Commission: We are deferring our comments on the project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control: This Department feels obliged to approve the subject project with stipulations in light of the list of past commitments of project approval made with the applicant. However, the applicant should be made aware of the fact that projects of similar nature are not presently receiving approval from this department due to the adoption of more stringent policies providing stricter regulation against the development of sources of potential water pollution and degradation.

The stipulation that this office requests is that the tidal pump culvert arrangement be of sufficient energy and capacity to provide for adequate flushing of the proposed canal and the subsequent removal of effluent from both the mouths of the canal and culvert outfall areas into Lake Worth. Certification will be issued pending notification of approval by the Board of Trustees.

OTHERS: The Area Planning Board of Palm Beach County at its regularly scheduled meeting held on November 14, 1973, registered no objection with stipulation that design flushing culvert and tide pump satisfy Trustees' requirements.

Staff recommends the dredge permit and construction of a finger canal connecting with the navigable waters of Lake Worth be denied.

ACTION OF THE TRUSTEES:

Mr. Marshall M. Criser, an attorney from Palm Beach County representing the applicant, discussed this application, known as the Sugar Sands Canal and Pappalardo project, to dig a connection from a proposed canal on private property one-half mile north of Palm Beach Inlet. He cited the many steps and 20 months' time used obtaining numerous approvals on the work for which an application was filed with the Trustees on October 4, 1972, by coincidence the date the Board adopted a policy resolution to discourage construction of upland canal systems that may be deleterious to aquatic resources. During that time there was no reference to the "dead-end canal policy" that came to the attention of his client for the first time in December 1973. Mr. Criser cited factors that in his opinion warranted treatment of this application as an exception to the policy.

Mr. Raymond W. Royce, who was co-counsel for the applicant, called this situation unique because of the location and time factor, the project was compatible with zoning, had been approved by city and county, the applicant had placed into the public record covenants to insure maintenance of the highest possible standards in

the canal, and there was no evidence of damage to the water or that approval would establish a bad precedent.

Mr. Christian made a motion, seconded by Mr. Dickinson, to approve the permit subject to the tidal pump stipulation.

Mr. Kuperberg considered approval a bad precedent as Palm Beach County had requested no further dredging and filling in Lake Worth. He said this applicant proposed to dredge a connection between a long canal and the lake, the environmental reports were qualified and not flatly favorable, there would be greater runoff of water from the increasing urban shoreline, with every tide carrying any pollutants into the public waters. Two alternate designs had been suggested to the applicant at the staff review meeting.

Responding to a question regarding fuel pollutants, Mr. Royce assured the board that the applicant did not propose to operate a commercial marina. His client had not accepted a staff suggestion of no connection to the lake, as without tidal flushing the canal might become stagnant.

In view of the conditions, Governor Askew felt that there should be some viable alternative to minimize problems. The Director suggested deferral until appropriate stipulations could be worked out to protect the public waters against pollution.

With respect to the policy resolution, Comptroller Dickinson expressed the opinion that each application should be looked at carefully and there was ample reason to approve this application in view of its location in the less populated northern end of this tourist, water-oriented county as the project would reduce the number of facilities needed for individual boat owners. He felt that the planning, engineering and commitments evidenced the applicant's sincerity and the work would be done in accordance with requirements.

The Attorney General noted good arguments on both sides, and a delay until next meeting would afford the staff opportunity to work with the applicant on viable alternatives. The Governor requested a good faith exploration of these matters in addition to clarification of the proposed stipulations.

Mr. Christian withdrew his motion and without objection, action was deferred until the next meeting.

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HIGHLANDS COUNTY - Construction and Marina License
Permit No. 28-39-1015E
(Revised December 6, 1973)

APPLICANT: Land Services Incorporated
1220 Biscayne Boulevard, Miami, Florida 33132

PROJECT: To repair and replace an existing wooden cat-walk, install five pilings for the mooring of houseboats to occupy 3,058.325 square feet of state-owned submerged lands in Area I; and to construct two wooden pedestrian bridges and install 6 pilings for the mooring of houseboats to occupy 3,486.789 square feet of state-owned submerged lands in Area II.

LOCATION: Section 24, Township 35 South, Range 28 East, Orange Blossom Lake (Wolf Lake), Highlands County, not in an aquatic preserve.

MATERIAL: Not applicable.

PAYMENT: \$25 received as exemption processing fees and \$130.90 received as consideration for annual license to use state lands occupied by the marina facility.

STAFF REMARKS: Field Operations has no objection to the proposed project.

Department of Pollution Control has no objection to the subject project as proposed.

January 15, 1974

Staff recommends a construction permit and marina license be issued upon receipt from the applicant of a Department of Pollution Control approved sewage treatment plan for moored vessels.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the staff recommendation was approved as the action of the Board.

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HIGHLANDS COUNTY - Fill Permit No. 28-12-0550

The application of William A. Berry for a permit for after-the-fact construction of a seawall and fill on submerged land in Section 15, Township 36 South, Range 29 East, Lake Francis, Highlands County, was withdrawn at the request of the applicant.

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HIGHLANDS COUNTY - Fill Permit No. 28-12-0551

The application of Johnnie O. Cauley for a permit for after-the-fact construction and fill placed on submerged land in Section 15, Township 36 South, Range 29 East, Lake Francis, Highland County, was withdrawn at the request of the applicant.

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Trustees' staff proposes to enter into interagency agreements with the Department of Pollution Control, Department of Transportation, Department of Administration, Department of Natural Resources and the Florida Resources and Environmental Analysis Center of Florida State University pertaining to the acquisition on a joint basis of aerial photography of the State of Florida.

One interagency agreement provides for collective purchase of aerial photography and infra-red imagery of the State of Florida for use by state agencies, regional planning councils and counties. A second agreement provides for the Florida Resources and Environmental Analysis Center of Florida State University to serve as depository for these aerial photographs and materials.

Pursuant to these agreements, approximately \$10,000 in O.P.S. funds appropriated to the Trustees of the Internal Improvement Trust Fund would be expended for aerial photography, materials and services.

Staff requests authority to enter into interagency agreements and to expend up to \$10,000 in O.P.S. funds for agreed upon share of costs to acquire aerial photographic coverage of the State of Florida.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board authorized the staff to enter into the interagency agreements and expend O.P.S. funds up to the amount of \$10,000.00 for the agreed-upon share of costs to acquire the aerial photographs.

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LEVY COUNTY - Easement for Public Recreation Facility
File No. 2531-38-253.03 (December 20, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida 32304

PROJECT: Easement for a public recreation facility and fishing pier under supervision of State of Florida Department of Transportation and designated as part of State Road No. 24. No dredging or filling is required.

January 15, 1974

LOCATION: A 0.38-acre parcel of sovereignty land in the Gulf of Mexico in Section 20, Township 15 South, Range 13 East, Levy County.

PAYMENT: Not applicable.

STAFF REMARKS: A new bridge is being constructed and a portion of the old bridge is to be retained for a public recreation facility. It has been determined that an easement is required for the area occupied by the remaining portion of the old bridge.

Staff requests authority to issue the easement for a public recreation facility.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the easement for public recreation use as recommended by the staff.

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LEVY COUNTY - Construction Permit No. 38-39-1397
(July 19, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida 32304

PROJECT: To remove approximately 400 feet of an existing timber bridge and to leave approximately 400 feet of the existing timber bridge in place as a public recreation facility and fishing pier.

LOCATION: Section 17-20, Township 15 South, Range 13 East, Cedar Key Area, Levy County, not in an aquatic preserve.

MATERIAL: Not applicable. No material to be dredged.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed conversion of the old highway bridge structure into a fishing pier does not involve dredging or filling of submerged lands and should not have adverse effects on marine biological resources in the subject area.

Bureau of Beaches and Shores - The information provided with this application is somewhat sparse; however, if the proposal involves only the conversion of an existing timber bridge to a fishing pier, it is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - We have reviewed the above-captioned permit application, and offer no objections to its issuance.

Department of Pollution Control - It was our understanding that this portion of the existing bridge was to be left in place and was covered under the application for the new bridge. No further action will be required by this Department as we consider this a part of our certification issued on July 2, 1973.

Staff recommends issuance of the construction permit with stipulation that timber pilings for the 400 feet of bridge to be demolished will be completely removed from sovereignty lands.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the permit subject to the stipulation recommended by the staff.

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On motion by Mr. Stone, seconded by Mr. Dickinson, passed without objection, the rules were waived for consideration of items 15 and 16 added to the original printed agenda.

Items 13 and 14 would be considered at the end of the meeting.

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LEE COUNTY - Dredge and Construction Permit No. 36-39-1014
(October 8, 1973) (Revised)

APPLICANT: McGregor Villas, Inc.
c/o Ervin, Varn, Jacobs & Odom
Post Office Box 1170, Tallahassee, Florida 32302

PROJECT: To dredge an access channel, approximately 900 feet long by 50 feet wide to -5 feet mean low water, an upland canal, 50 feet long by 110 feet wide to -5.0 feet mean low water, an upland boat basin, approximately 650 feet long by 600 feet wide to -5.0 feet mean low water, and to construct four finger piers, (1) 125 feet long by 40 feet wide, (2) 150 feet long by 40 feet wide, (3) 300 feet long by 40 feet wide; (4) 150 feet long by 40 feet wide.

LOCATION: Sections 16, 20, and 21, Township 45 South, Range 24 East, Caloosahatchee River, Lee County, not in an aquatic preserve.

MATERIAL: Approximately 4,008 cubic yards of material to be dredged from state-owned submerged lands and placed on upland spoil area.

PAYMENT: \$4,008.00 received as payment for removal of material from state-owned submerged lands at the Lee County rate of \$1 per cubic yard.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The applicant has eliminated a long dead-end canal and relocated the proposed yacht basin adjacent to the Caloosahatchee River. The applicant also specifies that, except for an access channel, the natural vegetation along the shore of the Caloosahatchee River including red mangrove, white mangrove, seagrape, and buttonwood would be preserved. As stated in our previous report, placement of a small amount of material alongshore may be required to protect established vegetation from erosion.

The applicant should also consider placing riprap along the entire seawall of the boat basin to provide substrate beneficial to marine life such as oysters.

Long-range planning is needed to limit the number of marinas and access channels which require dredging through broad shallow flats of the Caloosahatchee River. Public use of facilities which require dredging through biologically productive river bottoms should also be considered in long-range planning to avoid constructing numerous access channels.

Bureau of Beaches and Shores - A hydrographic survey will not be required. The modifications to the subject project, particularly the elimination of the long entrance canal, will improve the mixing and exchange of the marina waters. The effectiveness of the circulation culvert could be improved by modifying it to allow flow only during one phase (flood or ebb) of the tide.

Game and Fresh Water Fish Commission - Our field inspection team has reviewed the above referenced permit application revision and feels the applicant has met our recommendations for minimizing harm to the fish and wildlife resources involved. We, therefore, have no objections to the implementation of this revised proposal.

Department of Pollution Control - The Department of Pollution Control has no objections and issued their water certification on January 2, 1974.

Staff recommends the dredge and construction permit be issued with

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the stipulation that riprap revetment be installed along 50% of the shorelineage to be created by the project.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Shevin and passed without objection, the staff recommendation for issuance of the permit with the stipulation shown above was accepted as the action of the Board.

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ESCAMBIA COUNTY - Modification of Construction and Marina
License 17-30-1181
(June 20, 1973)

This is placed on the agenda at the request of the Secretary of State.

APPLICANT: Richard R. Bennett
Route 1, Shalimar, Florida 32579

PROJECT: To construct a new 1000-foot reinforced concrete commercial fishing pier

LOCATION: Sections 20 and 21, Township 2 South, Range 26 West,
Gulf of Mexico, Navarre Beach, Escambia County

ECOLOGICAL RESPONSES:

Department of Natural Resources - Staff has not received formal comments concerning project modification.

Game and Fresh Water Fish Commision - January 8, 1974: The Game and Fresh Water Fish Commision offers no objection to issuance of the permit.

Department of Polution Control - The staff has not received formal comments concerning project modification.

Staff recommends approval of modification of the construction permit subject to: (1) receipt of certification from Department of Pollution Control; (2) application for license to operate a commercial dock facility; (3) stipulations of the Department of Natural Resources that sufficient efforts are taken to minimize siltation and turbidity that may be caused by the installation of the support pilings.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Shevin and passed without objection, the Board approved the requested modification of Construction and Marina License No. 17-30-1181.

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CALHOUN COUNTY - Dredge Permit No. 07-20-1296
(Revised October 25, 1973)

APPLICANT: Calhoun County Chamber of Commerce
c/o Mr. Morgan McClellan
Blountstown, Florida 32424

PROJECT: To dredge a 75 feet x 1230 feet x -9 feet mean low water access channel and a 100 feet x 600 feet x -9 feet mean low water with a 300 feet x 15 feet wide railway launch installed within the boat slip, for Rysco Shipyards, Inc., new operation at Blountstown.

LOCATION: Section 3, Township 1 South, Range 8 West, Apalachicola River, Calhoun County, not in an aquatic preserve.

MATERIAL: Approximately 17,400 cubic yards of material will be removed from sovereignty lands and placed on lowlands within the Apalachicola River flood plain.

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PAYMENT: Request a waiver of fees for payment of material to be dredged as the spoil will be used by Calhoun County for public purposes.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management
December 10, 1973: While the dredge portion of the proposed project has been revised to follow recommendations set forth in our biological report dated September 7, 1973, the spoiling operation has not been revised to meet the recommendations. Although a dike will now be constructed to secure the spoil materials, the spoil area has not been removed to upland property above the 20 ft. contour line. Bottoms below this elevation are located within the natural flood plain of the Apalachicola River and provide wetland habitat necessary for the continued production of fish and wildlife resources. The elimination of such flood-plain vegetation would lead to a serious degradation of the river ecosystem.

To effectively preserve the biological resources of the Apalachicola River system, the project should be further revised to conform with the remaining recommendation expressed in our previous report (see our report dated September 7, 1973).

September 7, 1973: The dredging and spoiling operations required for the proposed project would damage and eliminate habitat beneficial to fish and wildlife and would have definite adverse effects on the river ecosystem. However, should the application be revised to conform with the following suggestions, the adverse impact of the project would be significantly reduced and the project should not materially damage valuable fish and wildlife resources of the Apalachicola River.

1. All spoil materials should be placed only on diked upland property above the 20-foot contour line.
2. No further land clearing should be done in areas below the 20-foot contour line.
3. Spoil already placed on bottom lands below the 20-foot contour line adjacent to the ramp and canal slip should be removed and efforts should be made to restore the natural elevation to encourage revegetation in this flood-plain area.
4. Excavation of the proposed navigational access channel should be reduced to 75 feet wide and 9 feet deep, the Corps of Engineers control depth in the main river, with additional excavation for a turning basin at the mouth of the canal slip (see attached sketch). This would permit elimination of the excavation in the northern segment of the slough.
5. Sufficient upland property above the 20-foot contour elevation should be set aside for use as a perpetual spoil site for future maintenance dredging operations.

During the remaining construction, adequate measures should be taken to prevent siltation of the river. It must be stressed that our comments apply to the short-term impact of the construction of ramp, slip, and access channel. Long-term impact of this industry upon water quality, although important to the health of aquatic resources, is best addressed by the Department of Pollution Control.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is not anticipated that project will have significantly adverse effects. It is noted, however, that construction details have not been furnished.

Game and Fresh Water Fish Commission
November 27, 1973: We have reviewed this revised proposal and find that the Department of Natural Resources recommendations concerning channel modifications have been largely incorporated into the new plans. The suggested changes concerning spoil sites and flood plain restoration, however, seem to have been omitted. The spoil area is labelled "upland" on the cross section drawing but it is actually

on the lowest portion of the property and was formerly a small cypress slough. If revegetated, this slough could still function as a viable part of the river system and would provide a valuable buffer zone between the ship building plant and the river.

Because of the importance of flood plains and swamps to the Apalachicola River system we oppose the use of this slough as a spoil site. We must continue to recommend that no further modification of the natural topography be allowed below the 50-foot contour; that areas already modified below the 50-foot contour (such as the dikes currently in place) be restored to their natural configuration and that an area above the 50-foot contour be established as a spoil site.

Department of Pollution Control

November 9, 1973: At a recent meeting with Mr. Robert Olive, attorney representing the above applicant, a request was made of the Department of Pollution Control to stipulate the measures which would be required of the applicant before water quality certification would be issued. The following list indicates these measures:

1. Reasonable assurance that degraded surface drainage waters will not reach the Apalachicola River.
2. Assurance that the flood plain area which has been destroyed by diking and earthmoving will be restored in accordance with the recommendations of State Agencies. Temporary spoiling (as discussed with Mr. Olive) will be acceptable if the applicant is willing to post bond to assure that restoration measures will take place.
3. The upland spoil area for future maintenance dredging must be located in an area approved by the State Environmental Agencies.
4. Adequate measures, acceptable to the Department, are taken to prevent excessive turbidities and organic materials from entering the Apalachicola River during dredging of the bayou.

This could be accomplished through the construction of a retention device at the junction of the bayou and the main river channel.

OTHERS: The Calhoun County Board of County Commissioners, by affidavit signed on October 23, 1973, agrees to accept all spoil material dredged from the Apalachicola River and utilize such material for county maintenance and construction of roads, bridges, and other such purposes as the county deems in the public interest.

NOTE: 1. A meeting was held on September 21, 1973 with the applicant and state environmental agencies concerning recommendations by the agencies to lessen environmental impact of the project on the Apalachicola River. Applicant agreed to redesign the project as recommended and restore the river flood plain, previously cleared, to natural conditions. Applicant has not complied with the agreed-upon plain restoration and has requested that the application be submitted to the Board of Trustees for permit consideration.

2. On a second effort to resolve differences, on October 29, 1973, the Executive Director visited the site, with the Department of Pollution Control, Game and Fresh Water Fish Commission, Tallahassee representatives, and the Trustees' area field inspector. After a field survey and discussions with Representative Rish, Calhoun County Chamber of Commerce President, Morgan McClellan, and Rysco engineers, the Department of Pollution Control and Game and Fresh Water Fish Commission's reports cited above were written following this meeting.

Staff recommends a dredge permit be issued subject to the applicant complying with the Department of Pollution Control's recommendation of November 9, 1973.

ACTION OF THE TRUSTEES:

The staff had met with Mr. Robert Olive, attorney for the applicant, and representatives of the Department of Pollution Control in

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an effort to resolve issues concerning recommendations of state environmental agencies and issuance of water quality certification. It was agreed by applicant's representatives and the Executive Director, as provided by Florida Statutes, Chapter 253, that the line of ordinary high water would be established as the Trustees' jurisdictional boundary and conditions were worked out, to be approved by the applicant, for issuance of a Board of Trustees' dredge permit.

The Trustees had been furnished copies of (1) a staff memorandum dated January 11 setting out four conditions for issuance of a dredge permit, and (2) a letter dated January 14 from Mr. Olive accepting the conditions except the amount of the bond with acceptance subject to determination of state ownership of the Apalachicola River bottoms either administratively or judicially. The staff tried to find a solution that would enable the applicant to make the necessary access to the river without the yielding of state rights, and there was now agreement between applicant and staff.

Representative William J. Rish, Jr., speaking on behalf of the applicant, expressed acceptance except as to the bond amount in the third condition, which was considered excessive. The applicant had agreed there would be no discharge of pollutants and as a matter of record water certification from the Department of Pollution Control would be necessary. Mr. Rish stated that all were now in consensus and the people of Calhoun County appreciated the way the Trustees has worked with the applicant.

Mr. Olive said his client would study the findings with respect to the mean high water line determination and reserved the right to litigate.

Mr. Kuperberg read into the record the conditions in the January 11 staff memorandum and commented on the agreed-upon changes, as follows:

1. When the ordinary high water line has been established by the U.S. Army Corps of Engineers, all spoil material placed below this elevation would be removed;
2. The temporary spoil site below the line of ordinary high water would be restored to the natural contours and revegetated with natural climatic vegetation indicative of the area;
3. A bond of \$25,000 (agreed-upon change from the \$150,000 in the memorandum) would be posted to insure state agencies that the public's interest for restoration of the temporary spoil site would be upheld in this area;

Mr. Kuperberg recommended a stipulation to be added to the third condition, as follows: "and that permanent structures will not be constructed on the spoil area until such time that the state's interests have been resolved." It was accepted by Mr. Olive on behalf of his client.

Mr. T. N. Smith, president of the Rysco Shipyards, explained that the pier would be built on shore. A holding area in the river was needed for assembling a fleet of ships for export.

4. The restoration activities would be completed two years after all state or federal permits have been obtained or determination of the ordinary high water line has been established by the U.S. Army Corps of Engineers, whichever is later.

It was agreed to substitute for "one year" in the fourth condition the words "two years" as the time for completion of restoration activities.

On motion made by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees accepted the staff recommendations as modified for issuance of the dredge permit subject to conditions set forth above and agreed to by counsel for the applicant.

Governor Askew thanked the large group of persons from Blountstown that had attended this meeting in the interest of the shipyard project.

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Navigability of Halfway Pond located in Sections 7, 17, 18, and 19 of Township 45 South, Range 27 East, Lee County.

On May 22, 1973, the staff requested the Division of Florida Land Sales to withhold registration of subdivided lands for the Mirror Lakes Subdivision of Lehigh Acres Development, Inc., due to its apparent location in Halfway Pond, a 611-acre permanent body of water listed in the Fla. Lakes Gazetteer Part III and also delineated on the U. S. Geological Survey Alva S.W. Quadrangle.

A July 10, 1973, staff field inspection of Halfway Pond found it containing "shallow pockets of water," but it was speculated that the "water level was low due to the excavation of several canals in the area." A follow-up staff field report dated October 3, 1973, stated that "Halfway Pond is not navigable," but also stated that "The drainage of the Lehigh Acres area has caused the water table of the area to drop, and therefore, removed the capabilities of this area to retain water." This is supported by Mr. D. H. Boggess of the Fort Myers U. S. Geological Survey office who is of the opinion that the water table at Halfway Pond has been lowered two to three feet due to drainage ditches which are located as close as 2400 feet from the shore.

On October 22, 1973, the staff lake survey team inspected the site with representatives of Lehigh Acres Development, Inc. The team found that Halfway Pond "consists of a number of interconnecting basins with sandy bottoms". Water depths within the pond were found to range from 0.7 to 1.0 feet, and the sand that forms the basin in which the pond is located is so permeable that the water drains away quickly. The team reported that the water level in an observation well four miles from Halfway Pond fluctuates over a range of three feet during the year, thus giving further support to the reported fluctuation of Halfway Pond, and its recent dryness with the probable water table drop.

The lake survey team reported that the current pond basin could support a maximum water depth of approximately 3 1/2 feet. Bald cypress trees present indicate that the water has fluctuated to as high as an elevation of 29.70 feet (MSL) or over 2.6 feet in depth.

It must be recognized that the staff field inspections were all made within a four-month period in 1973, thus preventing extended first-hand observation data collection. Ditching has been done which may have contributed significantly to the current low water levels.

Mr. Thomas J. Buchanan, Miami Subdistrict Chief of the U. S. Geological Survey reported on November 2, 1973, that Halfway Pond as defined on the surveys' Alva SW Quadrangle was mapped to represent the lake at "a normal stage and not necessarily the shoreline determined at the time of survey, which may be during periods of flood or drought." It is shown by the USGS as a permanent body of water from 1951 aerial photography and a 1958 ground survey. Buchanan further states that "the Topographic Division in 1958 apparently did not consider Halfway Pond an intermittent lake. Their instructions are quite clear that intermittent lakes should be shown with a dashed outline with the surface indicated by hatching in blue."

The staff has obtained copies of aerial photography of Halfway Pond from the U. S. Department of Agriculture, Florida Department of Transportation, and the Lee County Zoning Department for the years 1944, 1951, 1953, 1958, 1970, and 1972. With the exception of the most recent 1972 photography, only the 1944 photography shows Halfway Pond as being relatively dry. Records show 1944 to have been exceptionally low in rainfall.

Halfway Pond is the only named lake in Lee County. It has a long history of public use. Staff has received thirteen statements which support the position that Halfway Pond is, in its ordinary state, navigable. The affidavits refer to use of Halfway Pond for boating, swimming, fishing, and water skiing during the 1930 to 1970 period. Evidence gathered by the staff strongly indicates that Halfway Pond has historically been a navigable body of water.

Staff requests affirmation of its objection to registration of Halfway Pond as a subdivision.

January 15, 1974

ACTION OF THE TRUSTEES:

Mr. Kuperberg discussed staff objections to use of the area for subdivision development. While the ground water was so low now it was a series of ponds, it was a lake in the rainy season and based on maps, rainfall records, affidavits and other records the staff position was that Halfway Pond is a navigable lake in its ordinary state in years of normal rainfall.

Mr. J. Elliott Messer of the firm of Thompson, Wadsworth and Messer, speaking as counsel for Lehigh Acres, Inc., stated that the matter had been pending for some eight months. He further stated that the staff made three inspections and reported that the pond was not presently navigable, and the government survey had described it as a slough including some marshes. In his opinion, with the elevations and a historical study, the Trustees' staff might have made a determination that would have rendered bringing this matter to the Board unnecessary. With reference to photographs, maps and affidavits placed in the record, his client reserved the right to question the authenticity of any material made a part of the record.

Mr. Messer asked the Board, should it adopt the Executive Director's recommendations, to state its reasons for maintaining an objection to registration.

Motion was made by Attorney General Shevin, seconded by the Commissioner of Agriculture, that the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund assert its public ownership and interest in the bottoms of Halfway Pond in Lee County as public lands as it is the Board's position that Halfway Pond is historically a navigable lake, and the Board further affirms its opposition to the registration of Halfway Pond as a subdivision.


Placed into the file were affidavits supporting the staff position from Isabel Graham, Colonel Fred D. Bartleson, Jr., Ernest W. Hall, Frank Green, Nathaniel H. Hunter, Jr., Barbara B. Cummings, Charles W. Flint, Catheryn Miller Geraci, Salvatore U. Geraci, F. Verrill Henderson, Cecil M. Henderson, Ernest Styles and Leon Harry Rewis. Lee County Conservation Association had also filed objections.

A number of interested persons were present, including Mr. James English who filed photographs of Halfway Pond taken in 1939 and 1949, spoke of recreation and other uses for many years and grievances of long standing with East County Drainage District formed in 1958. He objected to the natural water flow being inhibited, adversely affecting properties, and commended Mr. Kuperberg for the position he has taken.

Without objection, the motion by Mr. Shevin passed.

On motion duly adopted, the meeting was adjourned.

ATTEST:


EXECUTIVE DIRECTOR


GOVERNOR - CHAIRMAN

January 15, 1974

Tallahassee, Florida
February 5, 1974

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Building auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

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On motion adopted without objection, the Trustees approved the minutes of the meeting of January 3, 1974, as submitted.

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DADE COUNTY - Dredge Permit No. 13-21-1081 Modification
(Permit issued as Item 16 on Sept. 18, 1973 Agenda)

APPLICANT: Belcher Oil Company c/o Tanner Hendrick
Post Office Box 1751, Miami, Florida 33101

PROJECT: To dredge an area 875 feet long by 100 feet wide
to - 36 feet mean low water adjacent to the
Belcher Oil Company docks on Fisher Island

LOCATION: Sections 9 and 10, Township 54 South, Range 42 East,
Biscayne Bay, Dade County

MATERIAL: 9,800 cubic yards to be deposited on land owned by
the City of Miami

PAYMENT: Applicant requests a waiver of payment for material
as the spoil area on Virginia Key will be used for
public purposes by the City of Miami.

NOTE: Applicant is reducing the width of the dredge area
in that application approved by the Trustees on
September 18, 1973 (item #16) to 100 feet, thereby
reducing the amount of material to be dredged from
10,400 cubic yards to 9,800 cubic yards.

Staff requests authority for waiver of the payment for material and issuance of modified permit 13-21-1081 subject to the same stipulations in the September 18, 1973, approval i.e., subject to the Department of Natural Resources recommendation that siltation be adequately controlled at the dredge and spoil sites.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized waiver of payment for material and issuance of modified permit subject to the same stipulations in the approval of the permit on September 18, 1973.

-3-

BREVARD COUNTY - Radio Transmission Tower Lease No. 1950
(January 28, 1974)

APPLICANT: Astro Enterprises, Inc.
228 Forrest Avenue, Cocoa, Florida 32922

February 5, 1974

PROJECT: A 10-year renewal of Lease No. 1950 with the stipulation that a one-year cancellation clause by either party be incorporated in the new lease.

LOCATION: A parcel of submerged land in the Indian River in Section 34, Township 24 South, Range 36 East, Broward County, not in an aquatic preserve.

PAYMENT: Annual rental will be \$375, an increase of \$255 over the previous annual rental. This increase was arrived at after on-sight inspection by Trustees' staff appraiser.

STAFF REMARKS: The lease requires compliance with all applicable regulations and requirements of the U.S. Army Corps of Engineers, Federal Communications Commission, Federal Aviation Administration and state and local regulations.

Staff recommends approval of the lease renewal with the increased annual rental of \$375 and the one-year cancellation clause.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved renewal of the lease as recommended by the staff.

-4-

COLLIER COUNTY - Oil and Gas Lease Assignment

APPLICANT: Phillips Petroleum Company
Houston, Texas

REQUEST: Approval of assignment of an undivided one-half interest in Oil and Gas Lease No. 2679 from Phillips to Florida Gas Exploration Company, Jackson, Mississippi.

LEASE: A five-year term oil and gas drilling lease issued to Phillips Petroleum Company on July 17, 1973, covering a reserved one-half interest of the petroleum in Section 31, Township 49 South, Range 31 East, 326.06 net mineral acres, Collier County

Executed copy of assignment and acceptance of assignment have been reviewed and approved by staff legal counsel.

Staff recommends approval of assignment.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the lease assignment as requested by Phillips Petroleum Company.

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ESCAMBIA COUNTY - Sanitary Sewer Easement

APPLICANT: City of Pensacola

REQUEST: Easement for a sewage lift station and force main line across a six-acre parcel of state land presently in use by Escambia County as the Juvenile Court facilities of the Circuit Court.

LOCATION: The north 200 feet of the south 240 feet of the west 30 feet and the south 20 feet less the west 30 feet of the six-acre parcel owned by the Trustees in the N½ of Lot 2, Section 17, Township 2 South, Range 30 West, Escambia County.

The City of Pensacola advises that the sewage lift station and force main are already in place and has requested the easement for the continued operation of these facilities.

Staff recommends issuance of the easement for sanitary sewer purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees granted the request of the City of Pensacola for an easement for sanitary sewer purposes only.

-6-

ORANGE COUNTY - Drainage Easement

APPLICANT: City of Orlando

REQUEST: Easement across state land in use by the Division of Health, Department of Health and Rehabilitative Services for storm drainage purposes.

LOCATION: An area containing 0.0282 acre in the southeast corner of the 0.817-acre parcel in use as the Orlando Regional Laboratory in the NE¼ of Section 36, Township 22 South, Range 29 East, Orange County.

The purpose of the easement is to provide for channelling existing storm water from the state parcel into the existing storm water collection system of the City of Orlando thereby eliminating continued flooding of the laboratory property.

The Department of Health and Rehabilitative Services has reviewed and recommended issuance of the easement.

Staff recommends issuance of the easement to the City of Orlando for drainage purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees granted the request of the City of Orlando for an easement for drainage purposes only.

-7-

PINELLAS COUNTY - Road Right of Way Easement and Temporary Construction Easement

APPLICANT: Board of County Commissioners of Pinellas County

REQUEST: Easement for road improvement purposes across state land in use by the Division of Forestry for fire tower purposes.

LOCATION: The north 5 feet for right of way purposes and the south 5 feet of the north 10 feet of the one-acre parcel for temporary construction purposes lying in SW¼ of SE¼ of Section 30, Township 30 South, Range 16 East, Pinellas County.

The Division of Forestry has reviewed and approved the issuance of the easement.

Staff recommends issuance of the right of way easement and temporary construction easement to the county for public road purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees granted the request of the Board of County Commissioners of Pinellas County for right of way and temporary construction easement for public road purposes only.

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DUVAL COUNTY - Construction Permit No. 16-39-1295 (July 12, 1973)

APPLICANT: City of Jacksonville, Department of Public Works
c/o Sverdrup & Parcel Associates, Inc.
11 East Forsyth Street, Jacksonville, Florida 32202

PROJECT: To construct approximately 127 feet of sand-cement
riprap embankment protection along Hogans Creek.

LOCATION: Section 13, Township 2 South, Range 26 East, Hogans Creek,
Jacksonville, Duval County, not in an aquatic preserve.

MATERIAL: No dredging involved in this project.

PAYMENT: No payment required for material, as there will be no
dredging involved in this project.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The marine biologist has inspected the subject area and reports that the proposed riprap revetment will coincide closely with the existing shoreline, according to the application, and should not significantly affect biological resources provided siltation is controlled during installation.

Bureau of Beaches and Shores - The staff of Bureau of Beaches and Shores has reviewed this application and provides the following hydrographic assessment: A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects. It is, however, recommended that the applicant consider using an appropriate filter under the riprap to prevent loss of fill through the riprap.

Game and Fresh Water Fish Commission - The Game and Fresh Water Fish Commission has reviewed the above-captioned permit application, and offers no objections to its issuance.

Department of Pollution Control - This Department has no objections to the subject project provided that: (1) An appropriate filter material be used under the riprap to prevent eventual loss of fill through the riprap; (2) Measures be taken to control turbidity and siltation during installation as per clauses in contract documents.

Staff recommends issuance of a construction permit subject to the stipulations of the Department of Pollution Control.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of Construction Permit No. 16-39-1295 to the City of Jacksonville, Department of Public Works, subject to the stipulations of the Department of Pollution Control.

-9-

SARASOTA COUNTY - Dredge Permit No. 58-23-1535
(January 23, 1974)

APPLICANT: General Telephone Company of Florida
c/o Mr. A. A. Adams, Jr.
Post Office Box 2929, Sarasota, Florida 33578

PROJECT: To dredge an open trench, for the removal of approximately 200 cubic yards of material, to a -18 feet mean sea level for installation of approximately 273 lineal feet of 24 inch -3/8 inch wall, steel pipe welded, and sixteen plastic conduits.

LOCATION: Section 7, Township 39 South, Range 19 East, Hatchett Creek, Intracoastal Waterway, Sarasota County, not in an aquatic preserve.

MATERIAL: Approximately 200 cubic yards of material will be removed from state-owned submerged land and the

February 5, 1974

spoil will be given to the City of Venice for public use.

PAYMENT: Request waiver of payment for material, as the spoil will be used by the City of Venice.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The applicant has applied for a permit to cross public waters in Hatchett Creek, Sarasota County. This crossing would involve the installation of a subaqueous cable, apparently to be placed in a ditch dug with a dragline. The most conservative strategy for the crossing of public water in this particular area would be the routing of the crossing within the right-of-way of the bridge which is in the immediate vicinity. By employing the existing bridge as support for the overhead crossing of the cable, the applicant would be avoiding unnecessary disruption of submerged lands. Should it be deemed impossible to take advantage of the bridge, the cable should be installed in submerged lands, jettied-in with a water jet, assisted by adequate control of siltation.

Bureau of Beaches and Shores - has reviewed this proposal and provides the following hydrographic assessment: A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - The applicant proposes to place a 24" steel casing parallel to U.S. 41 across Hatchett Creek in the Intracoastal Waterway. A narrow ditch, approximately three feet deep, will be dredged in the main channel to obtain an overall depth of 18 feet below mean sea level. After the installation of the casing, the excavated material will be replaced in the dredged area to cover the casing. This project should not do significant biological damage if a turbidity diaper and/or other turbidity control devices and procedures are used during the dredging operation in order to minimize turbidity levels. To minimize turbidity even further, the applicant should investigate the possibility of not refilling the dredged area after the laying of the casing. The subsequent natural filling of the dredged area by normal tidal action would be much less biologically damaging since the turbidity associated with refilling would be eliminated.

Department of Pollution Control - has recently completed its review of the subject project and offers no objections provided that: (1) There will be no spoiling, even temporary, in the adjacent waters; (2) The spoil is to be placed on upland or Hopper Barge; and (3) Such spoil areas are diaped as necessary.

Certification will be issued pending notification of favorable review by the Trustees.

OTHERS: Letter from the City of Venice dated January 17, 1974 stating that the City of Venice will accept 200+ cubic yards of spoil to be removed from Hatchett Creek area.

Staff recommends issuance of a dredge permit subject to the stipulations of the Department of Pollution Control.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the dredge permit subject to the stipulations of the Department of Pollution Control.

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TRUSTEES' STAFF OVERLOAD

The Trustees' Land Management staff has, over the past nine months, experienced an alarming and overwhelming increase in workload which has brought the agency's permitting section to the position where it can no longer perform its statutory directives. This situation is the result of new legislation (exemption process), budget cuts, increased public concern with environmental protection and a commitment on the part of the Trustees' staff to

maintain proper standards of processing and enforcement. Therefore, we are critically understaffed and underfunded and incapable of timely processing of all applications received from public and private sources.

In October, 1973, when it was apparent that no abatement in the receipt of applications was in sight, we requested the Department of Administration to approve emergency funding to allow us to keep "our heads above water" for the balance of this fiscal year. (Copy of this request was sent to each Trustee.) Our request was denied on November 19, 1973. We resubmitted the request in December, 1973, treating the objections. It was again denied on January 3, 1974, as being beyond the new legislative mandate. (Copies of this correspondence and documentary data are attached.)

This is brought to your attention in order that you may be aware of your staff's crisis situation. There is no further tightening of personnel management or workload adjustment which will enable the staff to accommodate and process this enormous workload increase. Without assistance in funding and personnel, the job cannot be done.

ACTION OF THE TRUSTEES:

On this date the Cabinet approved a request on the agenda of the Administration Commission for commitment of \$25,000 from the Deficiency Appropriation to be transferred and released by the Secretary of Administration as needed by the Trustees's office to assist with implementation of the new exemption procedure. The Executive Director thanked the Board.

Commissioner Conner stated that he and other members of the Board received a great many phone calls and correspondence regarding the administration of programs under the jurisdiction of the Trustees. In an effort to be helpful and better informed regarding the problems, he suggested that each member assign a staff man to work with implementation of emergency permitting and keep the Board informed. Mr. Stone and Mr. Dickinson indicated their agreement.

Governor Askew felt that they might help and possibly some change of procedures might enable the office to get over the "log jam." He expressed the belief that there would be relief from the Legislature in the next session as to funding the new program.

-11A-

PALM BEACH COUNTY - Application for Dedication
File No. 2515-50-253.03
(May 10, 1973)

STAFF DESCRIPTION: A 0.21 acre parcel of sovereignty land in Lake Worth abutting Section 33, Township 42 South, Range 43 East.

CITY AND COUNTY: Riviera Beach, Palm Beach County

APPLICANT: Port of Palm Beach District

APPLICANT'S: Richard M. Miller, P. E.
REPRESENTATIVE: Gee & Jenson
2019 Okeechobee Road, West Palm Beach,
Florida

ACREAGE: 0.21 acre

RATE PER ACRE: Not applicable

APPRAISAL: Not applicable

PURPOSE: To expand the port facilities in order to create docking facilities and cargo handling area.

ECOLOGICAL RESPONSES: See "11-B"

STAFF REMARKS: The Board of Commissioners of the Port of Palm Beach District by Resolution on November 27, 1972, requests dedication of the parcel, to be administered under

the provisions of Chapter 7081, Special Acts of Florida, 1915, as amended, and by Chapter 315, Florida Statutes. The resolution states that there are no commercial concessions anticipated other than the use of docking facilities and cargo handling areas by tenants and users of the port, pursuant to applicable laws.

The applicant is of the opinion that development of trade and commerce under law is designed to be in the public interest and the use of the land as well as the proposed construction is in the public interest.

The Field Operations Division has no objection to the project.

The parcel is landward of the established bulkhead line and the Port of Palm Beach District has filed with the Trustees Application No. 253.124-301 for a permit to construct a bulkhead and backfill the parcel with 4,700 cubic yards of material from an upland source.

The Trustees, on September 18, 1973, authorized advertisement for objections only. Advertisement was published and objections were received and, on November 20, 1973, the Trustees authorized the holding of a public hearing. A public hearing was held in Riviera Beach on December 17, 1973, and the hearing officer found that conveyance of the parcel would not be contrary to the public interest.

Staff is of the opinion that conveyance of the parcel would be in the public interest.

Staff requests authority to issue the dedication as in the public interest.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the dedication requested by the Port of Palm Beach District, in the public interest.

-11B-

PALM BEACH COUNTY - Construction and Fill Permit No. 253.124-0301

APPLICANT: Port of Palm Beach District
c/o Gee and Jenson Consulting Engineers, Inc.
2019 Okeechobee Boulevard
West Palm Beach, Florida 33401

PROJECT: To construct approximately 225 feet of vertical seawall and back-fill an area approximately 150 feet long by 75 feet wide to a +8.5 feet mean low water using approximately 4700 cubic yards of material.

LOCATION: Section 33, Township 42 South, Range 43 East, Intracoastal Waterway, Riviera Beach, Palm Beach County, not in aquatic preserve.

MATERIAL: Approximately 4700 cubic yards of fill will be used.

PAYMENT: No payment required as no dredging is involved in this project.

STAFF REMARKS: Field Operations has no objections.

ECOLOGICAL RESPONSES:

Department of Natural Resources: The applicant proposes to fill an area 150 feet long that extends up to 70 feet waterward of the existing shoreline. Large schools of plankton-feeding fish were seen in the proposed fill site. Bottoms in the subject area have been previously dredged in conjunction with docking facilities. The proposed filling would have only limited adverse effects on

February 5, 1974

marine biological resources.

Game and Fresh Water Fish Commission: September 6, 1972: The applicant proposes to create upland by constructing two connecting bulkheads and backfilling approximately 4,700 cubic yards on submerged land in Lake Worth. It should be pointed out that this is only the first phase of a three phase project. Permits have not been requested for the other phases although the future projects will also involve alterations of submerged lands and bulkheading. Therefore, our recommendations for the present application will be made in such a way that future project phases will be least damaging to fish and wildlife resources. The subject area contains red and green algae, limpets, crabs, sea roaches and several species of fish.

Biological resources in Lake Worth have been greatly reduced by projects involving dredging, filling and bulkheading. In an effort to prevent further degradation, it is our recommendation that the north-south bulkhead be constructed at the existing riprap-water interface. This bulkhead should be reduced in length to a point at approximately the northeast corner of the existing port ramp. The second or east-west bulkhead would therefore have to be reduced in length in order to join the above shortened bulkhead. If the applicant agrees to these stipulations we have no objections to the issuance of this permit.

September 17, 1973: We have reviewed the above referenced permit application and concur with the findings of the United States Department of the Interior, Bureau of Sport Fisheries and Wildlife, in their letter dated July 10, 1973.

Department of Pollution Control: This department has no objections to the proposed project.

OTHERS:

1. U.S. Fish and Wildlife - The fill area in permit 72-0976 presently contains riprap materials which form an irregular surface valuable for tropical marine fishes. This area will be eliminated by port expansion. We have discussed with the applicant and its consulting engineer that this type of habitat would be desirable if included in the project plan in whatever areas this is possible. Apparently, the water oriented needs of the Port of Palm Beach necessitate the issuance of this permit for a vertical bulkhead. We will attempt in reviewing future applications to include some mitigation of habitat by adding these features to the plans whenever possible. Because no suitable alternative exists to this water oriented project, the Bureau of Sport Fisheries and Wildlife has no further objection to issuance of this permit.
2. The Palm Beach County Commissioners at their regular meeting of May 30, 1972, approved the project.
3. The Palm Beach County Area Planning Board considered the above referenced application at its meeting of June 22, 1972 and offered no objection.
4. The Town of Palm Beach by its letter of July 13, 1972 objected to the project.

Staff recommends issuance of the construction and fill permit as in the public interest.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board authorized issuance of the construction and fill permit in the public interest.

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MONROE COUNTY - Dredge Permit No. 44-20-0297 Modification
(Permit issued as Item 15 on July 10, 1973
agenda)

APPLICANT: P. C. Dinkins, Jr.
c/o William J. Roberts
P. O. Box 1386, Tallahassee, Florida

February 5, 1974

PROJECT: To dredge an access channel, upland canal, boat basin and circulation canal

LOCATION: Section 32, Township 65 South, Range 33 East, and Section 5, Township 66 South, Range 33 East, Vaca Key, Monroe County

MATERIAL: 3,890 cubic yards to be excavated from seventy lands, and 68,223 cubic yards (incorrectly shown on agenda application as 51,000) from uplands. Spoil to be used for building pads and roads; excess to be hauled off.

PAYMENT: \$5,835 received

NOTE: The application showed an incorrect amount of material to be removed from upland, apparently due to applicant's miscalculation. The amount of material to be removed from uplands should be increased to 68,223 cubic yards.

Staff requests authority to modify Permit No. 44-20-0297.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board approved modification of Permit No. 44-20-0297 to show the correct amount of material to be removed from uplands.

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BROWARD COUNTY - Dredge, Fill and Construction Permit 06-39-1428

APPLICANT: Florida Antilles Properties, N. V.
c/o Richard B. Wiggins & Associates
901 N.E. 20th Avenue
Fort Lauderdale, Florida 33304

PROJECT: To dredge a canal approximately 544.80 feet long, 20 feet wide, to -4 feet deep and to fill existing canal using approximately 1500 cubic yards of material; and to construct sloping riprap walls along the sides of the canal.

LOCATION: Section 21, Township 50 South, Range 42 East, Osceola Canal, Fort Lauderdale, Broward County, not in an aquatic preserve.

MATERIAL: Approximately 2500 cubic yards of material will be removed; approximately 1500 cubic yards will be used to fill the existing canal and 1000 cubic yards will be placed on upland spoil sites.

PAYMENT: No payment for dredged material required, as the location of the project is in private ownership.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management: The application indicates that the proposed ditch will not connect with the existing north ditch. Drainage problems may be anticipated, resulting in a build-up of sediments and necessitating frequent maintenance dredging. The proposed construction will have limited adverse effects upon marine resources. The long-term effect of water quality will depend upon whether the canal is attached to nearby public waters and the degree to which pollutants from upland sources are prevented from entering the water column.

Bureau of Beaches and Shores: A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission: This agency offers no objections to its issuance.

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Department of Pollution Control: Personnel from our regional office have met with the applicant and have reached an agreement that will alter our original comments to your office dated November 7, 1973. The stipulations agreed to by both parties are as follows: (1) Vertical bulkheads have been deleted and replaced with sloping riprap walls. (2) No storm water drainage will directly enter the canals. (3) Drainfields for the proposed sewage treatment plant have been relocated. (4) All work will be behind plugs in the canals and sediments will be allowed to settle out prior to removing the plugs.

Due to the above agreements, this office does intend to certify the project pending the outcome of our public review process and pending approval of the project by the Trustees.

OTHERS: The Broward County Water Resources Department has no objection to the proposed relocation of a portion of Osceola Creek.

Staff recommends issuance of a dredge and fill permit subject to the stipulations of the Department of Pollution Control.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the dredge and fill permit subject to the stipulations of the Department of Pollution Control.

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COLLIER COUNTY - Construction Permit No. 11-30-1353
(July 23, 1973)

APPLICANT: Old Marco Apartments, Inc., c/o H. J. Whitaker
Royal Palm Boulevard, Marco Island, Florida 33937

PROJECT: To construct ten finger piers 30 feet long by
5 feet wide, and install 18 creosoted mooring
pilings.

LOCATION: Section 5, Township 52 South, Range 26 East,
Colliers Creek, Collier County, not in an aquatic
preserve.

MATERIAL: No dredging is involved in this project.

PAYMENT: Payment for material not required as there
will be no dredging.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management: The applicant proposes to install ten finger piers, 30 feet long by 5 feet wide, and 18 creosoted mooring pilings on the northeast shore of Collier Creek on the north end of Marco Island.

Installing the piers and pilings adjacent to an existing seawall should have limited adverse effects on marine biological resources if siltation is adequately controlled.

Game and Fresh Water Fish Commission: This agency offers no objections to this proposal provided the applicant drives down the dock pilings, as opposed to jetting, to minimize siltation.

Department of Pollution Control: State Certification in accordance with Section 401(a)(1), Public Law 92-500, Federal Water Pollution Control Act (1972 Amendments) issued on January 14, 1974.

Staff recommends approval of Permit No. 11-30-1353, subject to the following stipulations: (1) The dock pilings are driven down to minimize siltation; (2) Siltation is adequately controlled.

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ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the permit with stipulations as recommended.

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DADE COUNTY - Construction and Fill Permit No. 13-39-1318
(January 8, 1974)

APPLICANT: Pillo Development Corporation
c/o William J. Roberts
P. O. Box 1386
Tallahassee, Florida 32302

PROJECT: To construct approximately 500 feet of concrete vertical seawall and to backfill in order to reclaim an area approximately 272 feet long by approximately 111.67 feet at the northerly end, approximately 50 feet in the center and approximately 115.50 feet at the southerly end, using approximately 5500 cubic yards of sand obtained from upland source.

LOCATION: Sec. 10, Twp. 52 South, Rge. 42 East, Intracoastal Waterway, Dade County, not in an aquatic preserve.

MATERIAL: No dredging is involved in this project.

PAYMENT: No payment for material required as there is no dredging involved in this project.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management: The applicant proposes to emplace a vertical concrete bulkhead to square off an existing finger-fill just north of the Sunny Isles Causeway on the west side of the Intracoastal Waterway. The bulkhead would extend up to 60 feet out from the existing shoreline and would be in line with other bulkheads along this side of the Intracoastal Waterway.

The project will eliminate shallow bottoms which serve as feeding areas for shore birds and small marine organisms. The installation of riprap at or above mean high water would be in the best interest of marine resources.

Bureau of Beaches and Shores: A hydrographic survey will not be required. It is recommended that the proposed seawall be re-aligned to conform more closely to the existing shoreline and that riprap be placed at the seaward face of the seawall to reduce scour and wave reflection.

Game and Fresh Water Fish Commission: Members of our environmental staff have reviewed the above referenced permit application and concur with the findings and recommendations of the Department of Natural Resources.

Department of Pollution Control: Certification will be issued pending notification of Cabinet approval. Please advise if the project is to be revised to conform to the Department of Natural Resources report. Riprap to be placed waterward of the seawall is recommended.

OTHERS:

1. Florida Inland Navigation District has no objection to the project provided no docks, piers, piles, dolphins or other structures are placed in the Intracoastal Waterway east of the westerly right-of-way line.

2. The City of North Miami Beach City Council approved and adopted Resolution No. R-73-98 in regular meeting assembled the 18th day of December 1973 approving construction permit.

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Staff recommends denial of the construction and fill permit.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Shevin, to accept the staff denial recommendation.

Treasurer O'Malley noted that if approved, this apparently would be consistent with seawalls on other fingers, and he would like to see aerial photographs showing this and adjacent properties.

Offering exhibits including aerial photographs, Mr. William J. Roberts explained that his client owned two end lots on one of six finger fills constructed more than ten years ago on an artificial waterway. The applicant desired to restore approximately 60 feet of eroded land at the tip of one finger and build seawalls as all the other fingers had previously been seawalled. He would be willing to place riprap at the toe of the seawall, and needed to restore the lot to its original configuration. He already had a building permit to build on the two lots.

Mr. Dickinson and Mr. Shevin withdrew their motion and second. Mr. O'Malley commented that the application was not unreasonable.

Mr. Kuperberg said it had been a close staff decision, two out of three environmental agencies commented adversely, and such areas were now being regulated. Other seawalls had been constructed without permits on the artificial waterway prior to 1972, after which date jurisdiction of the Trustees went with navigability of the waters in artificial waterways. Because of that, the Attorney General felt there might be certain equities in this case.

Motion was made by Mr. O'Malley, seconded by Mr. Christian and passed without objection, overruling the denial recommendation and approving the application to reclaim eroded land and construct a seawall as requested, provided riprap is placed waterward of the seawall as recommended.

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DUVAL COUNTY - Fill Permit No. 16-10-2284
(November 27, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304
(DOT Project Number: Section 72504-2605)

PROJECT: To fill approximately 3,564 square feet of submerged land below elevation +1.0 (MHW) using approximately 500 cubic yards of fill material obtained from uplands.

LOCATION: Section 25, Township 2 South, Range 25 East, Cedar River at Lane Avenue, Jacksonville, Duval County, not in an aquatic preserve.

MATERIAL: Approximately 500 cubic yards of fill material obtained from uplands will be used to fill approximately 3,564 square feet of submerged lands.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management: A secondary channel parallels Cedar Creek to the north. The Lane Avenue roadbed interrupts this channel which makes a right-angle turn on each side of the roadbed and connects to the main channel of Cedar Creek. Lowlands vegetated by hardwood trees lie between the secondary and the primary channels of Cedar Creek. The proposed bulkhead line would enable widening of the Lane Avenue roadbed by filling the portions of the secondary channel along the existing roadbed. Filling within the proposed bulkhead line should not significantly affect biological resources in Cedar Creek provided the secondary channel segments are reconnected to the main channel.

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Bureau of Beaches and Shores: A hydrographic survey will not be required. The plans for this project show the filling of portions of two small tidal creeks. I have been advised, however, by Mr. Dallas Gray of the Department of Transportation that the project will include relocating these two creeks adjacent to the finished roadbeds. Based on this condition, it appears improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission: The establishment of this line will permit filling of a rerouted creek bed. Under normal conditions this would have a detrimental environmental impact on the creek; however, Cedar Creek has long been used as a natural drain for industrial wastes and domestic sewage, and as a result, the habitat is poor, and frequent fish kills occur. Therefore, the present establishment of this bulkhead line will have no harmful environmental impact. However, polluters of Cedar Creek have been cited and waste treatment programs are presently being implemented. Hopefully this clean-up will eventually be successful and then the bulkhead line as proposed could be detrimental to aquatic habitat. Therefore, consideration should be given to establishing the line at the original northern bank of the creek.

Department of Pollution Control: This agency has no objections to the proposed project, and no further action will be taken by this Department.

OTHERS:

1. The establishment of bulkhead line No. 16(7-17-73) for the City of Jacksonville was approved by the Board of Trustees on July 17, 1973.

2. City of Jacksonville Resolution 73-1292-314 approving the filling was adopted by the City Council on November 13, 1973, and approved on November 15, 1973.

Staff recommends approval of Permit No. 16-10-2284, subject to the stipulation that the secondary channel segments are reconnected to the main channel.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board.

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DUVAL COUNTY - Dredge Permit No. 16-22-2071
(November 2, 1973)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304
(DOT Project Number 72500-2639)

PROJECT: To dredge approximately 430 cubic yards of material from an area approximately 50 feet long by 50 feet wide and a -4.0 feet mean high water, for an outfall discharge into the Ribault River.

LOCATION: Section 43, Township 1 South, Range 26 East, Ribault River, Duval County, not in an aquatic preserve.

MATERIAL: Approximately 430 cubic yards will be dredged from uplands, the spoil to be placed on uplands.

PAYMENT: No payment is required.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management: While the Department of Transportation proposal to relocate an existing outfall discharge into the Ribault River will not significantly affect the physical habitat, discharging street runoff will

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have deleterious effects on quality of the receiving waters. The high pollution content of street runoff has been well documented and innovative efforts should be made to develop new techniques to reduce this source of pollution in Florida streams and estuaries. Retention ponds, settling basins, and vegetated swales should be used whenever possible.

Bureau of Beaches and Shores: This agency has reviewed the plans for the subject outfall ditch, and it appears improbable that this project will have any significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission: Letter of September 14th addressed the general problem of relocating roadway drainage facilities and suggested that this outfall be designed to eliminate some of the problems that may presently occur in this drainage area. This particular proposed outfall occurs in an urban area and any problems encountered would most directly concern water quality. For this reason, we are deferring our comments and recommendations on this project to the Department of Pollution Control.

Department of Pollution Control: This agency has no objections to the subject project.

Certification will be issued pending Trustees' receipt of the application and our notification of subsequent favorable action by the Trustees.

Staff recommends issuance of the dredge permit in connection with this Department of Transportation project.

ACTION OF THE TRUSTEES:

The Director pointed out that there was an objection from the Department of Natural Resources based on water quality but no objection from the Department of Pollution Control. The staff would write to these departments and try to resolve the issue of water quality problems.

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the Trustees approved issuance of dredge permit to the Department of Transportation.

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PALM BEACH COUNTY - Construction and Fill Permit No. 50-39-1976
(January 9, 1974, Revised)

APPLICANT:	Schandelmeier Development Corporation c/o Foresight Inc. 201 North Federal Highway Deerfield Beach, Florida
PROJECT:	To construct approximately 450 feet of seawall with sloping riprap to be placed on the waterward side, and to fill approximately 1/3 of an acre to +6.00 feet mean sea level, using approximately 10,800 cubic yards of material obtained from an upland source.
LOCATION:	Sections 22 & 23, Township 42 South, Range 43 East, Riviera Beach, Palm Beach County, not in an aquatic preserve.
MATERIAL:	No dredging is involved in this project.
PAYMENT:	No payment is required as there is no dredging involved in this project.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management: The applicant proposes to construct a retaining wall and fill approximately 1/3 of a one-acre landlocked lagoon isolated from Lake Worth by State Road A-1-A. The sides of the lagoon are steep, indicating that it may have been dredged; however, a fringe of

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white and red mangroves vegetate most of the shoreline. The proposed filling should not significantly affect marine biological resources, but a sloping riprap retaining wall would provide better habitat for aquatic organisms than would a vertical concrete wall.

Bureau of Beaches and Shores: A hydrographic survey will not be required. It is improbable that this project will have significant adverse hydrographic effects.

Game and Fresh Water Fish Commission: The applicant proposes to construct a retaining wall and fill approximately 1/3 of a two-acre landlocked lagoon located between Lake Worth and the Atlantic Ocean at Riviera Beach. Approximately 10,800 cubic yards of sand will be trucked in from upland sources.

The project as proposed would involve the construction of parking facilities on the entire filled area as well as on adjacent upland areas. This parking lot would not only destroy almost an acre of fish and wildlife habitat, but the storm sewerage would quickly degrade the water quality of the remaining area of lagoon, eventually making it useless for most fish and wildlife. Even with the application of a sloped, sodded or riprapped retaining wall for filtering purposes, the ratio of the size of the parking facility and adjacent condominium to the size of the lagoon would guarantee an almost immediate degradation of the water quality, destruction of the bottom productivity due to siltation, and an eventual elimination of fish and wildlife utilization.

In conclusion, we recommend against this project because of the biological damage that would occur.

Department of Pollution Control: This agency has reviewed the subject project and has the following comments:

1. Riprap be used along retainer wall.
2. The adjacent property owner to the North (J. and Florence P. Nottolini) should be advised of the project and should be made aware of the effects of the project and what consequences it will have on his portion of the lagoon. The feasibility of having his concurrence with the project is desirable.
3. All work to be done behind turbidity control devices.

Certification will be issued upon notification of Trustees' approval and receipt of the proof of publication received with required expiration period.

OTHERS:

1. The City of Riviera Beach City Council at its regular meeting on October 3, 1973, granted approval of the fill permit.
2. The Palm Beach County Board of County Commissioners at its regular meeting on December 13, 1973, found the project to be in the public interest.

Staff recommends approval of Permit No. 50-39-1976, subject to the following stipulations: (1) Riprap to be used along retainer wall. (2) All work to be done behind turbidity control devices.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation was accepted as the action of the Board.

Responding to the Attorney General's question regarding the second comment of the Department of Pollution Control, the Director explained that adjacent property owners had been notified in connection with local hearings. Mr. Shevin suggested that the Department of Pollution Control might notify the owners if further notification was considered appropriate.

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PINELLAS COUNTY - Dredge and Fill Permit No. 52-39-0322
(August 6, 1973)

APPLICANT: City of St. Petersburg Beach
c/o Gee and Jenson Consulting Engineers, Inc.
2019 Okeechobee Boulevard, West Palm Beach, Florida
33401

PROJECT: To dredge approximately 75,000 cubic yards of material from Blind Pass and approximately 100,000 cubic yards or more of material from a borrow area located 2,500 feet offshore in the Gulf of Mexico, the material to be used to nourish 2,456 lineal feet, more or less, of eroded beach.

LOCATION: Blind Pass and the Gulf of Mexico adjacent to Section 36, Township 31 South, Range 15 East, and Section 1, Township 32 South, Range 15 East, Pinellas County, in Aquatic Preserve G-19.

MATERIAL: Approximately 75,000 cubic yards of material will be dredged from Blind Pass and approximately 100,000 cubic yards or more will be obtained from an offshore borrow area for beach nourishment purposes.

PAYMENT: None. Substantially all of the material will be placed on sovereignty land.

STAFF REMARKS: Field Operations Division recommends approval of the project.

ECOLOGICAL RESPONSES:

Department of Natural Resources: Approximately 75,000 cubic yards of fill would be dredged from the Blind Pass channel and about 100,000 cubic yards of beach fill would be dredged from a proposed borrow area located 2,500 feet offshore. The proposed filling for beach nourishment and park development should have relatively limited and temporary adverse effects on marine biological resources provided the hydraulically dredged fill material contains little silt or clay. To minimize siltation, consideration could be given to limiting dredging to periodic removal of clean sand and shell from Blind Pass for beach nourishment.

The present jetty and riprap shoreline at Blind Pass is quite productive in plant and animal life. Small stone crabs and numerous fishes were observed among the rocks. The proposed fill area in Blind Pass would eliminate an established and biologically productive rocky shoreline; however, the proposed fishing jetty and riprap construction would provide a site for the return of marine growth.

The channel bottoms of Blind Pass are sandy and moderately shallow. According to the Marine Patrol, a small ballast rock pile is located within the north end of the proposed channel borrow area. Sea basses were observed swimming and hiding in the ballast rocks, and a few sea whips were observed attached to the rocks. The rock pile is largely covered by sand and swept by strong tidal currents. Consideration should be given to by-passing or relocating the rock pile.

Channel dredging in Blind Pass would improve navigation and have relatively limited adverse effects on marine life, provided shallow berms are retained along shore.

Consideration could also be given to the possible benefit of a deep, narrow dredge cut, which may serve as a silt trap and later become covered by sand and shell. Deep dredge cuts would reduce dimensions of the dredge area and thus conserve existing bottoms. If underlying sediments contain less silt and clay than surface sediments, deeper dredge cuts may minimize siltation.

A hydrographic survey will not be required for this application.

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Game and Fresh Water Fish Commission: Deferred comments to the Department of Natural Resources.

Department of Pollution Control: This agency has no objection to the proposed project.

- OTHERS: 1. Establishment of erosion control line approved by the Trustees on November 6, 1973.
2. The Pinellas County Water and Navigation Control Authority at its regularly scheduled meeting on January 8, 1974, approved Dredge and Fill Permit No. DF-294.

Staff recommends approval of Permit No. 52-39-0322.

ACTION OF THE TRUSTEES:

Mr. Kuperberg recommended as an amendment to the staff recommendation that approval be subject to conservation of the existing rock reef noted in the comments of the Department of Natural Resources on this dredging portion of a beach restoration project.

On motion by Mr. Shevin, seconded by Mr. Christian and passed without objection, the staff recommendation as amended was approved as the action of the Board.

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LEE COUNTY - Windsor Trust Lands

At the regular meeting of January 16, 1973, the Trustees authorized their staff to:

- (1) Review with the U. S. Department of Interior, Bureau of Land Management, the original boundary surveys and request whatever federal action is deemed necessary to clear title to omitted swamp and overflowed lands in the subject township;
- (2) Develop a new boundary agreement revoking the 1970 agreement and cancelling the related deeds in accord with the federal survey determination and resulting Trustees' action;
- (3) Submit a program and timetable for completion of above, on or before the Trustees' meeting at which the development application is presented.

The Trustees further directed that before coming back to the Trustees for action (the staff) should conduct a public meeting in Lee County.

Step #1 is well under way with representatives of the Cadastral Survey Section of the United States Bureau of Land Management having been in the Estero Bay area since last November. Recently this federal team has been coordinating its boundary survey activities with the National Ocean Survey Section of the U. S. Department of Commerce. They have, in effect, been spot-checking the boundary survey techniques for the Bureau of Land Management against the latest mean high water determinations.

Time and financing expense have caused the buyer of the Windsor Trust lands to request of the Trustees an "expression of favorable attitude" per the Troutman letter of January 28, 1974.

The Trustees are faced with three basic alternatives in fulfilling their role as manager of state-owned lands in the Estero Bay Area:

1. Negotiate the acquisition of all questionable lands in the Windsor tract of 5,240 acres, under the endangered lands program. Such an alternative raises the question, can we resolve all of Florida's coastal development problems through purchase of the parcels in question? This would involve the expenditure of multi-billions of dollars.

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2. Indicate an "expression of favorable attitude" toward the Troutman proposal, recognizing that further modification of the plan may be necessary before the plan will obtain final approval by the state, but acknowledging the merits of the Troutman-Tabb ecosystem concept.
3. Risk abandonment of the ecosystem plan and a return in whole or in part to the Windsor agreement and the possibility of a Gables-by-the-Sea decision directing the state to issue approvals according to the 1970 agreement between Windsor and the Trustees.

Staff recommends approval of alternative two.

ACTION OF THE TRUSTEES:

Representing Estuary Properties, Inc., purchaser from Windsor Trust (that claimed title under the 1970 land boundary settlement), Mr. Robert B. Troutman discussed his group's efforts to prepare an environmentally enlightened master plan with input from the state agencies and employment by his company of a team of environmental scientists to evaluate and protect the area. As only eight days remained of the grace period for closing the purchase from the Windsor Trust, Mr. Troutman requested approval in concept. With maps and overlays, he contrasted rights under the Windsor plan with Estuary Properties' proposal for developing 3,750 acres of the 5,240-acre tract and non-use of 1,760 acres to be transferred to a non-profit group such as Nature Conservancy. Mr. Troutman said by letter of March 20, 1973, he had requested boundary determination and had offered to pay the cost of a mean high tide survey.

Attorney General Shevin, Staff Counsel Sherman Weiss, and Governor Askew commented on possible effects of abrogation of the Windsor settlement. The Troutman proposal appeared a better alternative to which the Board could make no commitment but were being asked to make an expression in good faith to look at the proposed concept. They discussed problems based on inadequate information on aquatic preserve boundaries. Mr. Conner emphasized his request for surveys and that the Trustees had not intended any encroachment on the aquatic preserve.

Mr. Dickinson made a motion to accept the Troutman proposal in principle with a clear understanding that until a definite boundary line is established, further modification of the plan may be necessary prior to state approval. Mr. Christian seconded the motion as a better alternative for the state than development by the Windsor plan.

Governor Askew felt that Troutman's position was to work with the state in an effort not to encompass any part of the preserve and to offer to deed a large part of the area for environmental preservation. With Troutman in control, re-establishment of boundaries would be easier to work out, also.

Mr. William Mellor, Director of Lee County Conservation Association, Inc., charged that about 3,750 acres of preserve had been deeded and he opposed any action prior to determination of the mean high water line which he said the Board ordered on January 16, 1973. He stated that a legislative investigation was in progress, that Lee County rejected Troutman's zoning application and in his opinion, would not approve a bulkhead line for the proposed development.

The Executive Director responded that the Trustees had made no commitment for a mean high water line survey but, instead, a boundary line survey was under way to determine the boundary of title between United States, state and private owners. The Windsor deed was based on a valid agreement, he added. While the Troutman offer was still valid, it was being brought to the Board's attention for consideration. However, members were concerned that information was not adequate without surveys to disclose what part of the preserve might be involved. Also, they were concerned that not to indicate a favorable attitude might close the door

to a better alternative.

Recognizing that Mr. Troutman had to make a decision, the Governor suggested that the Board might in good faith indicate a favorable attitude without commitment to any specific point and without closing the door to recovery of part of the area. Mr. Troutman should continue to pursue his proposal, understanding that the Board would not negotiate prior to determination of the ownership boundary lines. Mr. Dickinson added that they were trying to be fair but could not adopt a motion of any assurance in view of the protests and investigation - they could not go forward with anything definitive.

Mr. Dickinson withdrew his previous motion and Mr. Christian, his second to the motion.

Mr. Charles Lee, representative of Florida Audubon Society, expressed the opinion that the third staff alternative, the possibility of a Gables-by-the-Sea decision, would not be a bad risk. He was assured of consideration in the future when his position becomes relevant.

Mr. Fred J. Waldinger, Staff Director of the Senate Natural Resources and Conservation Committee, authorized by the Senate leadership and Committee Chairman W. D. Childers to inform the Trustees of the Committee's investigation of Estero Bay matters, said the committee has an active and current interest and requests no action by the Trustees until the investigation is completed. The Governor thanked Mr. Waldinger for being present.

The Trustees took no further action.

On motion by Mr. Stone, seconded by Mr. Christian and adopted, the rules were waived to consider an addendum.

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DADE COUNTY - Dredge, Fill and Construction Permit 13-39-2216
(December 10, 1973)

This application is placed on the February 5, 1974, agenda at the request of the Secretary of State.

APPLICANT: The Inter-American Center Authority
c/o Elton J. Gissendanner
P. O. Box 4628, Miami Lakes, Florida 33014

PROJECT: To remove 409,000 cubic yards of material from an existing open water lagoon by dredging to a depth of -34 feet mean sea level, and to remove 130,000 cubic yards of material by widening and deepening an existing canal to 104 feet with a depth of -13 feet mean sea level, and to dredge a new canal 600 feet long, 104 feet wide by -13 feet mean sea level. Of this yardage, 100,000 cubic yards will be used to eliminate existing waterways by filling to +5 feet mean sea level, the remainder to be placed on upland spoil sites. Further, to construct docks, shoreline structures, canal crossings, and place riprap along portions of the existing shoreline.

LOCATION: Sections 14, 15, 22 and 23, Township 52 South, Range 42 East, adjoining Biscayne Bay, North Miami, Dade County, not in an aquatic preserve.

MATERIAL: Approximately 539,000 cubic yards of material to be dredged and used as fill or for elevating existing upland grades.

PAYMENT: Not applicable; state-owned lands are not involved.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management:

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1. The proposed construction of docks and bridges in this project area should not have long-term direct adverse effects on marine biological resources.
2. The bulkheading operation should not have significant adverse effects if it is confined to the existing shoreline and the shoreline of the proposed waterway and graded in such a way as to allow mangroves to colonize the waterward side of the bulkhead.
3. If suggestions on the bulkheading procedures are followed, widening the existing waterways should not have adverse effects. However, before deepening existing waterways and creating a new waterway to -13 ft. mean sea level, it should be determined if the overall system will flush adequately to prevent stagnant anaerobic conditions. Many of the existing waterways appear to be anaerobic at a depth of -5 ft. approximate mean sea level. The proposed depth of the lagoon is -34 ft. mean sea level. Field observations indicate that, in this area, depths below -12 ft. in open water areas will not support a healthy benthic population capable of contributing to marine biological resources. It would be more conservative to fill the entire lagoon with a stable substrate such as crushed rock to a uniform depth of -10 ft. mean low water.
4. Filling the proposed previously filled area and artificial waterways should not have significant adverse effects on marine biological resources. The small mangroves that exist along the waterway shorelines might be used to colonize areas in front of the proposed bulkhead. Filling in open water areas eliminates the possibility of open water habitat recovery and should be discouraged.

Bureau of Beaches and Shores - Insufficient information is provided with the application. A hydrographic assessment cannot be made until adequate project plans have been provided. A complete description of the project should be submitted. Such a description should include but not be limited to the following information:

- a. location of mean high water line
- b. a listing of waterways for which permit application is submitted. Such a listing should show the dimensions, depths and means of shoreline stabilization proposed.

In addition, the application drawing shows a number of (existing waterways) which do not appear to be connected to any receiving body of water. The plans of such waterways should be shown if they are to be included in the permit application. Any additional information used in designing the waterways would be of assistance in evaluating this project.

Game and Fresh Water Fish Commission - Our concern with the effects of these proposed works on fish and wildlife resources is not with possible habitat destruction but with the possibility of water quality degradation. The filling of various land-locked and connected canals will have no adverse effects and may eliminate pockets of stagnant water. The small landfills proposed for the south end of the central island will likewise have no adverse effects because of the relatively insignificant biological value of the adjacent artificial waterway.

The enlargement and realignment of the canal on the north side of the central island could mitigate an existing problem. On the day of our inspection, the water in this canal was stagnant and much more turbid than water in the lagoon. Apparently tidal flushing in this canal is inadequate, giving the water a high residence time. The proposal calls for filling in the loop portion of this canal, replacing the loop with a straight connection, and widening the canal from 50 ft. to 104 ft. This will allow wind-induced circulation which should improve water quality. However, the proposed new depth of 13 feet would place a larger mass of water in this poorly flushed area, creating a potential for anaerobic bottom conditions. We recommend that the depth in the canal be limited to the present depth or a depth determined by hydrographic analysis which will determine circulation patterns.

Dredging the lagoon from its present depth of 11 to 22 feet to a depth of 34 feet could have serious water quality consequences. A single sampling effort by personnel from Post, Buckley, Schuh and Jernigan, Inc., during an incoming tide revealed a 30 to 40% drop in dissolved oxygen and a 15% rise in salinity from the surface to the bottom at 22 feet. Despite that stratification, dissolved oxygen at the bottom was near the saturation point for water of that temperature and salinity. These measurements indicated the presence of a wedge of sea water traveling along the bottom with the incoming tide, a common occurrence in estuaries. There is, then, tidal circulation at the bottom of the lagoon, probably due to its proximity to Bakers Haulover Cut. If the depth is increased to 34 feet, the lagoon may continue to circulate adequately or it may develop a stagnant, anaerobic layer which would be a serious potential source of pollution for Biscayne Bay. A thorough hydrographic study is necessary to determine this.

In conclusion, we have no objections to the proposed filling operations or to the enlargement and relocation of the canal on the north side of the central island. We recommend that a hydrographic study be conducted to determine a suitable depth for the north canal and to determine the implications of the proposed 34 foot deep lagoon. We cannot make sound biological recommendations for this state-authorized development without the results of such a study.

Department of Pollution Control - This Department has reviewed the subject project and determined that the project as proposed will have a considerable effect on water quality. The main objection to the project is the deepening of the already too deep, artificially created lagoon and upland channel.

The application will be considered for approval, subject to compliance with the following stipulations:

1. Expiration of the 20-day waiting period (February 7, 1974) following publication of the "Public Notice" with subsequent resolution of related issues, should they occur;
2. Limitations of the proposed channel depths to -5 feet MSL. Any constructed channels which are in excess of -5 feet MSL shall be filled to the required depth.
3. Installation of sufficient diaphragms to insure turbidity control within the limits of FAC 17-3, and to insure against any "blow by" on an outgoing tide.

Staff recommends (1) approval of a fill permit subject to a favorable Attorney General's opinion as to Interama being the "local governing authority" under Chapter 253; (2) approval of a construction permit; (3) all indicated dredging below -5 feet mean sea level to be subject to approval by the Department of Pollution Control and the Department of Natural Resources; and (4) turbidity control devices satisfactory to Department of Pollution Control are to be installed and maintained.

ACTION OF THE TRUSTEES:

The Executive Director informed the Board that with an opinion of the Attorney General the problems were resolved and Interama will accept the restriction of dredging being permitted to -5 feet plus such additional depth as may be approved by the Departments of Pollution Control and Natural Resources with the Trustees' staff having authority to modify it to -8 feet.

On motion by Mr. Stone, seconded by Mr. Dickinson and Mr. Shevin, adopted without objection, staff recommendations were approved and officials of the Inter-American Center Authority were commended for their efforts to resolve the problems.

The Trustees heard from Mrs. Philena Stanford with reference to a parcel of submerged land in Manatee County in Section 20,

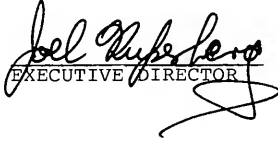
February 5, 1974

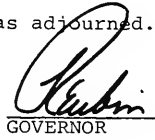

Township 34 South, Range 17 East. On behalf of local groups in Bradenton, she asked the Board to help make the narrow strip along the river available as public land to preserve the view and public use.

The request was referred to the staff for review and recommendation.

On motion duly adopted, the meeting was adjourned.

ATTEST:


EXECUTIVE DIRECTOR

 
GOVERNOR - CHAIRMAN

* * * * *

Tallahassee, Florida
February 19, 1974

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Haydon Burns Building with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

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The minutes of the meeting of January 15, 1974, were approved as submitted.

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GLADES AND OKEECHOBEE COUNTIES - Application for Right of Way Easement and Temporary Right of Way Easement, File No. 2541-22 and 47-253.36 (January 24, 1974)

DESCRIPTIONS:

Former bed of the Kissimmee River in Section 24, Township 38 South, Range 34 East, Glades and Okeechobee Counties:

1. For perpetual right of way easement, two parcels totaling 2.80 acres.
2. For temporary right of way easement, a 1.0-acre parcel.

Formerly Lake Okeechobee bottom land in Sections 17, 18, and 19, Township 38 South, Range 35 East, Okeechobee County:

1. For perpetual right of way easement, four parcels totaling 9.48 acres.
2. For temporary right of way easement, two parcels totaling 0.71 acres.

COUNTIES:

Glades and Okeechobee

February 19, 1974

APPLICANT: Central and Southern Florida Flood
Control District
P. O. Box V, West Palm Beach, Florida 33402

ACREAGE: 12.28 acres for perpetual easement
1.71 acres for temporary easement

APPRAISAL: Not applicable

PURPOSE: For authorized works of the district
for Levee D4 Conveyance Canal.

BIOLOGICAL COMMENTS: Not applicable.

STAFF REMARKS: The Governing Board of the Central and Southern Florida Flood Control District, by Resolution No. 74-9 (amended), January 18, 1974, requested that the parcels be made available to the district. The project is a part of the construction required to raise the elevation of Lake Okeechobee to 17.5 feet mean sea level.

The Department of Administration by letter of April 18, 1973, accepted the final draft of Lake Okeechobee SAI Project No. 73-0966-E. The proposed works are a part of the project studied.

Staff requests authority to issue the right of way easement and the temporary easement, the temporary right of way easement to be null and void after December 31, 1975.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees authorized issuance of the easement to Central and Southern Florida Flood Control District as requested.

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JACKSON AND GADSDEN COUNTIES - Right of Way Easement File No. 2532-32 & 20-253.03
(January 21, 1974)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304
(DOT Section 53002-2404)

PROJECT: Highway and bridge construction for public highway purposes as and for right of way for public state Road 8 (I-10). No dredging or filling is required.

LOCATION: A 3.74-acre parcel of sovereign land in the Apalachicola River abutting Section 26, Township 3 North, Range 7 West, Jackson and Gadsden Counties, not in an aquatic preserve.

PAYMENT: Not applicable

ECOLOGICAL RESPONSES:

Department of Natural Resources - By extending the proposed I-10 Bridge 900 ft. and almost completely spanning the Apalachicola River floodplain, the Department of Transportation has made a significant effort to minimize adverse effects to aquatic biological resources.

Game and Fresh Water Fish Commission - The environmental Section of the Game and Fresh Water Fish Commission has reviewed the above project and offers no objections to its implementation.

Department of Pollution Control - This agency does not object to the bridge project as revised. The recent decision to extend the bridge another 900 feet westward in Jackson County will allow maximum flow and should minimize the short and long term effects on water quality. Upon notification of Trustees'

February 19, 1974

approval, certification will be issued in accordance with Public Law 92-500.

Staff requests authority to issue right of way easement subject to acquisition of the abutting uplands by the Department of Transportation.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees authorized issuance of the easement subject to the acquisition of the abutting uplands by the Department of Transportation.

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CHARLOTTE AND SARASOTA COUNTIES: Permit Nos. 253.123-1177, 253.123-1180, 08-10-285, 08-31-0150, 08-24-0266, 08-39-1340, and 08-39-1917. (May 10-25, 1972, August 23-25, 1972, November 19, 1972 and August 24, 1973).

APPLICANT: General Development Corporation
1111 South Bayshore Drive
Miami, Florida 33131

PROJECT: Various projects ranging from land acquisition and bulkhead line approvals to dredge and fill works on Charlotte Harbor and Myakka River in Charlotte County. (These projects cover an area 14 miles wide in an East-West direction.)

LOCATION: Sections 15, 18, 19, 22, 25, 26, 27, 30, 32, and 33, Township 40 South, Range 21 East; Sections 10, 14, 23, 24, 26, and 35, Township 41 South, Range 21 East; Sections 29, 31, and 32, Township 40 South, Range 22 East.

STAFF REMARKS: The above projects involve land much of which has been subdivided into lots and some of which has been sold on time contracts. The contracts have been paid out and the lots have to be delivered to the purchasers. General Development Corporation has met with the various environmental agencies and with the Trustees' staff in an effort to resolve the problems. The Trustees' staff believes that this can best be accomplished by a task force from environmental agencies, meeting with representatives of General Development Corporation at the project sites.

Staff recommends that the Trustees direct Cabinet agencies (Trustees of the Internal Improvement Trust Fund and Department of Natural Resources, Survey and Management Section), and requests that the Game and Fish Commission, the Coastal Coordinating Council, the Department of Pollution Control and interested federal agencies participate in an interagency task force toward resolving the problems of permitting in the navigable waters adjacent to Port Charlotte.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendations were approved as the action of the Board.

In response to Mr. Stone's inquiry as to whether the report might be furnished in three months, the Executive Director indicated it was possible, that the law provides for environmental reports within 90 days and while the Department of Pollution Control by federal law has a year to respond, the Department tried to cooperate by making reports available within the 90 days.

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COLLIER COUNTY - Correction of Minutes and
Dredge Permit No. 253.123-1129

On December 18, 1973, agenda item #21, the Board approved a dredge permit subject to certain stipulations, to Deltona

February 19, 1974

Corporation, represented by Edgar M. Moore, Attorney, to allow maintenance dredging for restoration to a minimum design depth of -9 feet mean sea level and to maintain seawalls in existing artificial waters.

Section 16 shown in the project description, was inadvertently omitted in the agenda description of the work location.

Request authority to correct the minutes and to issue Permit No. 253.123-1129 showing the location of the work described as follows: Sections 4, 5, 8, 9 and 16, Township 52 South, Range 26 East, Collier County, subject to all of the stipulations approved December 18, 1973.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the corrections were authorized as requested by the staff to add Section 16 in the work description authorized in the minutes of December 18, 1973, and Dredge Permit No. 253.123-1129.

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HIGHLANDS COUNTY - Dredge Permit No. 253.123-1134
(October 16, 1972)

APPLICANT: Highlands County Title and Guarantee Land Co.
c/o William J. Roberts
Post Office Box 1386, Tallahassee, Florida 32302

PROJECT: To dredge in Lake Istokpoga navigation channel
400 ft. long by 30 ft. wide, to -4.0 ft. mean
low water, for removal of 770 cubic yards of
material.

LOCATION: Section 34, Township 36 South, Range 30 East,
Lake Istokpoga, Highlands County, not in an
aquatic preserve.

MATERIAL: 770 cubic yards of material to be dredged from
state-owned submerged lands; spoil to be placed
on uplands.

PAYMENT \$77.00 received as payment for material removed.

STAFF REMARKS: This application has been deferred during the pendency of a lawsuit between the applicant and the Board of Trustees concerning the boundary of state and private ownership at the site. The question of ownership has now been resolved and the matter can be acted upon by the Board. In reaching an agreement over the whole matter, the applicant has given assurances that he will comply with the "Articles of Agreement" drawn by the Highlands Title and Guaranty Land Company, which are referred to in the comments of the Game and Fresh Water Fish Commission.

ECOLOGICAL RESPONSES:

Department of Natural Resources - Deferred the required biological survey to the Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - If the application is modified to include the "environmental safeguards" established in the "Articles of Agreement" drawn up by the Highlands Title and Guaranty Land Company, heretofore known as Sun 'n Lakes Turf and Beach Club, our agency will voice no objections to the project application.

Department of Pollution Control - Offers no objection to the proposed project.

OTHERS: Corps of Engineers by letter dated April 14, 1972, has elected not to assert jurisdiction for this work.

February 19, 1974

Staff recommends issuance of the requested permit with the provision that the permit adopt the referred-to "Articles of Agreement" so far as they add to the requirements of this permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Board.

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Manatee County - Dredge Permit No. 41-20-1332.

At the applicant's request, the Trustees deferred consideration of a dredge permit application from I. Z. Mann and Associates, Inc., represented by Edgar M. Moore, for a navigation channel, and maintenance dredging in Section 1, Township 35 South, Range 16 East, Palma Sola Bay, Manatee County, on which environmental reports were adverse.

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PALM BEACH COUNTY - Dredge and Construction Permit 50-20-0362
(February 7, 1974)

Action on this item was deferred January 15, 1974. A staff meeting with the applicant failed to resolve the issue of a canal vs. a marina. The application was placed on this agenda at the applicant's request.

APPLICANT: South County Service Corporation
c/o James D. Carlton, Inc.
P. O. Box 461, West Palm Beach, Florida 33402

PROJECT: To dredge a canal approximately 1,500 ft. long with width from 80 to 165 ft. on uplands and to bulkhead the proposed canal with concrete seawall and riprap.

LOCATION: Section 27, Township 42 South, Range 43 East, Lake Worth, City of Riviera Beach, Palm Beach County, not in an aquatic preserve.

MATERIAL: Approximately 100 cubic yards of material to be dredged on private property and the material to be trucked from the site.

PAYMENT: No payment required for the material dredged as the property is in private ownership.

STAFF REMARKS: Field Operations Division has no objections to the proposed project.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management, March 14, 1973: Since scientists throughout the State of Florida have provided evidence that canals in residential areas tend to generate poor-quality water, careful consideration should be given to the fact that numerous canals along with other dredge and fill activities have already adversely affected biological resources in Lake Worth to the extent that only one area of highly productive grass flats remain, and these flats lie less than a mile north of the subject area. The existing fill of which the subject property is a part has eliminated submerged, vegetated bottoms and presently restricts tidal flushing of the remaining grass flats. Before a permit is granted for the proposed connection, the applicant should provide assurance that water quality would not be adversely affected in Lake Worth.

Bureau of Beaches and Shores, August 10, 1973: In the subject study the investigator analyzed circulation conditions in an existing canal to predict the response in the proposed marina. The effects of the wind will be somewhat limited since the area is sheltered to both the north and east. The subject study includes dissolved oxygen measurements in the area. These

measurements were not taken at the hours of lowest concentrations. In addition, insufficient measurements were taken to establish the daily range of D.O. values. In conclusion, the report shows that the culvert-tide pump arrangement would significantly enhance the replenishment of the water within the marina and the flood oriented arrangement would be more effective than the proposed ebb orientation. Stratification is improbable and the water within the marina will be exchanged rather frequently with the waters of Lake Worth. This does not ensure that the marina will not affect the water quality of Lake Worth, but it does indicate the waterway will not become stagnant and that foreign matter introduced into the marina will be flushed out into Lake Worth.

Game and Fresh Water Fish Commission: We are deferring our comments on the project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control: This Department feels obliged to approve the subject project with stipulations in light of the list of past commitments of project approval made with the applicant. However, the applicant should be made aware of the fact that projects of similar nature are not presently receiving approval from this department due to the adoption of more stringent policies providing stricter regulation against the development of sources of potential water pollution and degradation.

The stipulation that this office requests is that the tidal pump culvert arrangement be of sufficient energy and capacity to provide for adequate flushing of the proposed canal and the subsequent removal of effluent from both the mouths of the canal and culvert outfall areas into Lake Worth. Certification will be issued pending notification of approval by the Board of Trustees.

OTHERS: The Area Planning Board of Palm Beach County at its regularly scheduled meeting held on November 14, 1973, registered no objection with stipulation that design flushing culvert and tide pump satisfy Trustees' requirements.

Staff recommends the dredge permit and construction of a finger canal connecting with the navigable waters of Lake Worth be denied.

ACTION OF THE TRUSTEES:

The applicant's counsel had requested that the original application configuration be placed on the agenda. The staff felt strongly that, in the long-term interest of the waters of Lake Worth, there were environmentally superior alternatives to this long canal but the alternatives were not acceptable to the developer, Mr. Pappalardo.

Motion was made by Mr. Stone, seconded by Mr. Shevin, to accept the staff denial recommendation.

Mr. Dickinson indicated support for the application, noting the lack of adverse ecological responses from environmental agencies provided the tidal pump would be of sufficient energy and capacity to insure tidal flushing. He called attention to the natural indentations on the shore line that were not engineered or supervised as this one would be to avoid pollution, and that this facility will serve public needs.

Mr. Marshall Criser, applicant's counsel, argued that the design of the canal and flushing culvert was previously recommended by the field offices of the Trustees and Department of Pollution Control to avoid stagnant water problems, the basis of the dead-end canal disapproval policy. Recounting this applicant's work over a period of 21 months to get his application before the Board, Mr. Criser stated it would not do violence to that policy, that the residential development would consist of two or three-story condominiums, not commercial, and was approved by Singer Island Civic Association, a large organization representative of the area residents.

Dr. Raymond McAllister, marine environmental consultant employed by the applicant, stated that in his opinion, the project would not degrade the water quality and would possibly have advantageous effects on Lake Worth.

There was discussion and Mr. O'Malley asked about local regulations regarding dumping of waste from boats, the type of proposed upland development, and water run-off. He indicated after examining maps of the area that the project did not appear unreasonable or an exception to the policy in view of the circumstances, noting that this applicant had been working with state agencies on the application plan for over a year prior to adoption of the canal policy.

As Mr. Stone had been called away from the meeting, Governor Askew made a ruling removing the original motion and opening the floor for further motions.

Motion was made by Mr. Dickinson to grant the applicant's request. Mr. O'Malley seconded the motion with an amendment, accepted by Mr. Dickinson, to overrule the denial recommendation of the staff and to specify that the necessary safeguards be required in order to assure that the development will be as discussed here by the applicant's counsel, with 2 or 3-story condominiums and requirement of the tidal pump culvert to provide for adequate flushing of the proposed canal, subject to the conditions of the environmental agencies and a stipulation that a turbidity shield be required during construction.

The motion as amended was adopted without objection.

In answer to Mr. Shevin's question regarding a precedent, Mr. Kuperberg indicated this was the first exception to the canal policy except for settlements of court cases. The Governor stated this could hardly be considered a precedent in view of the equities of the situation and the apparent differences in this case.

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PALM BEACH COUNTY - Marina License and Construction Permit
No. ML-103 (Sept. 19, 1973)

APPLICANT: Lanlake, Inc.
c/o Foresight, Inc.
Suite 209, 201 North Federal Highway
Deerfield Beach, Florida 33441

PROJECT: To construct a 425-foot long by 6-foot wide
L-shaped docking facility occupying 13,051.39
square feet of state-owned submerged land.

LOCATION: Section 34, Township 44 South, Range 43 East,
Lake Worth, Palm Beach County, not in an
aquatic preserve.

PAYMENT: \$261.03 received as payment for annual marina
license fee.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management
October 21, 1973 - Our comments of October 21, 1971 still
apply to this project.
October 21, 1971 - Construction of this proposed dock should
not have significant adverse effects on marine biological re-
sources.

Game and Fresh Water Fish Commission
October 1, 1973 - In regard to the above captioned project,
please refer to our letter of January 25, 1972 which is attached.
January 25, 1972 - We have reviewed the above captioned permit
and have no objections to its issuance.

Department of Pollution Control - Certification reissued on
October 1, 1973. By copy of this letter we are advising the
Board of Trustees and the Corps of Engineers that this Depart-
ment has no objections to the project and will issue Certifi-
cation upon approval by the Trustees and a favorable response

February 19, 1974

to the Public Notice.

OTHERS: 1. Letter of no objection received from the Florida Inland Navigation District on November 9, 1973. 2. The Area Planning Board of Palm Beach County approved the project at their regular meeting held on January 16, 1974.

Staff recommends that the marina license and construction permit be issued.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of the marina license and construction permit.

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MARINA LICENSE RENEWALS

Requests have been submitted for renewal of the following marina licenses:

(1) BAY COUNTY - Renewal, Marina License No. ML-50

Guy-Rogers Marine, Inc.
5323 North Lagoon Drive
Panama City, Florida 32401

To renew ML-50 for one year; \$878 received as payment of fee covering 43,900 sq. ft. of sovereignty land.

In Sections 9, 10, 15 and 16, Township 4 South, Range 15 West, Grand Lagoon, Bay County, not in an aquatic preserve.

Field Operations Division reports that construction appears to have been carried out in accordance with the submitted drawings.

Staff recommends renewal for one year at the annual fee of \$878.

(2) MARTIN COUNTY - Renewal, Marina License No. ML-41

Angler's Cove Condominium of Martin County, Inc.
c/o Thurlow and Thurlow
Post Office Box 106
Stuart, Florida 33494

To renew ML-41 for one year; \$174 received as payment of fee covering 8,696 sq. ft. of sovereignty land.

In Section 30, Township 37 South, Range 42 East, Indian River, Hutchinson, Martin County, not in an aquatic preserve.

Field Operations Division reports that construction appears to have been carried out in accordance with submitted drawings.

Staff recommends renewal for one year at the annual fee of \$174.

(3) BROWARD COUNTY - Renewal, Marina License No. ML-90

Lauderdale Yacht Basin, Inc.
2000 Southwest 20 Street
Fort Lauderdale, Florida 33315

To renew ML-90 for one year; \$296.40 received as payment of fee covering 14,820 sq. ft. of sovereignty land.

In Section 16, Township 50 South, Range 42 East, South Fork of New River, Broward County, not in aquatic preserve.

February 19, 1974

Field Operations Division reports that construction appears to have been carried out in accordance with the submitted

Staff recommends renewal for one year at the annual fee of \$296.40.

(4) ST. LUCIE COUNTY - Renewal, Marina License No. ML-75A

General Development Corporation
1111 South Bayshore Drive
Miami, Florida 33131

To renew ML-75A for one year; \$4,693.32 received as payment of fee covering 234,666 sq. ft. of sovereignty land.

In Section 23, Township 37 South, Range 40 East, North Fork, St. Lucie River, St. Lucie County, not in an aquatic preserve.

Field Operations Division reports that construction appears to have been carried out in accordance with the submitted drawings.

Staff recommends renewal for one year at the annual fee of \$4,693.32.

(5) ST. LUCIE COUNTY - Renewal, Marina License No. ML-102

City of Fort Pierce, c/o Engineering Department
Post Office Box 3191
Fort Pierce, Florida

To renew ML-102 for one year

Request waiver of minimum annual fee for marina license covering 6,693.75 sq. ft. of sovereignty land.

In Section 10, Township 35 South, Range 40 East, Moores Creek, St. Lucie County, not in an aquatic preserve.

Field Operations Division reports that construction appears to have been carried out in accordance with the submitted drawings.

Staff recommends renewal for one year and that the annual fee be waived.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board approved renewal of the five marina licenses as requested.

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ALACHUA COUNTY - Confirm Public Sale of Murphy Act Land
(January 29, 1974)

DESCRIPTION: Commence at a point 30 feet West of Northwest corner, Block 1, Range 1, Original Gainesville, run South 100 feet to Point of Beginning; thence West 200 feet, thence South 5 feet, thence East 200 feet, thence North 5 feet to Point of Beginning, Southwest Gainesville, containing 1,000 square feet.

LOCATION: This parcel of land is 5 feet wide extending in an East to West direction for a distance of 200 feet through the central portion of Block 1, Range 1. The East and West extremities of the parcel of land are encumbered by 5-foot wide concrete walks.

APPRAISAL: By staff appraiser, \$1,150.

February 19, 1974

AUTHORITY
FOR SALE: Section 197.381, Florida Statutes.

DATE OF
SALE: January 28, 1974, by Clerk of the Circuit
Court of Alachua County.

HIGH BIDDER: R. L. Henderson

HIGH BID: \$1,150

Recommend confirmation of sale of this parcel of land to
R. L. Henderson for \$1,150 plus costs of advertising and
clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and
passed without objection, the Trustees confirmed the sale
of this parcel of land to R. L. Henderson under provisions
of the Murphy Act as recommended.

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ALACHUA COUNTY - Murphy Act Land Sale (Hardship Act)
(January 18, 1974)

APPLICANT: Lila F. Shaw
Post Office Drawer J, Gainesville, Florida

REPRESENTED BY: Sam T. Dell, Attorney at Law
Gainesville, Florida

REQUEST: Application under Section 197.386, Florida
Statutes Chapter 28317, Acts of 1953 (Hardship
Act) to purchase NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of SE $\frac{1}{4}$
less the East 210 feet of E $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 9,
Township 7 South, Range 18 East, Alachua County,
Florida, embraced in Tax Sale Certificate 459 of
1932

OFFER: \$680 for 67.87 acres, more or less.
The 1932 assessed value was \$180.

STAFF COMMENTS: Tax Sale Certificate 459 of 1932 was over-
looked when Tax Sale Certificate 232 of 1935 was redeemed
in 1942 by the applicant's husband. The amount of the cer-
tificate is \$7.36.

The applicant was the owner on June 9, 1939. The applicant
qualified under the so-called "Hardship Act."

There has been deposited with the Clerk of the Circuit Court
of Alachua County an amount equal to the sum of all state,
county taxes and assessments due to the date of the application.

Recommend conveying the interest of the State of Florida in
this parcel of land to Lila F. Shaw for \$680, following estab-
lished policy.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and
passed without objection, the Trustees approved conveyance
of the interest of the State of Florida in this land to Lila
F. Shaw as recommended.

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LEE COUNTY - Advertise Oil and Gas Lease
(January 28, 1974)

APPLICANT: G. Thomas Smith
P. O. Box 12426
Pensacola, Florida 32582

REQUEST: Advertise an oil and gas drilling lease for
bids.

February 19, 1974

LOCATION: Government Lots 3 and 4, Section 2, Township 46 South, Range 26 East, Lee County, containing 80.28 acres, more or less. This tract of land lies approximately 13 miles southeasterly of Ft. Myers.

INTEREST OF STATE: The Board of Trustees holds full interest in the petroleum and petroleum products. All proceeds from the proposed lease will go to the Trustees' Trust Fund.

This request has been reviewed by the Oil and Gas Coordinator, Bureau of Geology, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year oil and gas drilling lease with annual rental of \$1 per net mineral acre, 1/8 royalty, \$50,000 surety bond and at least one test well every 2½ years drilled to a depth of 6,000 feet or to a depth sufficient to test the Sunniland Formation, whichever is deeper.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Dickinson and passed without objection, authorizing the staff to advertise for sealed bids for the oil and gas lease as recommended.

In response to the Attorney General's question as to why the state was not asking for one-sixth royalty instead of one-eighth, Mr. James T. Williams explained that this tract of land was located in an area considered "wildcat", that if the land had been closer to a proven oil recovery area the higher royalty would have been recommended, and that these applications were always reviewed with Dr. R. O. Vernon, the State Geologist, and his recommendations were followed.

The Executive Director said he thought the state should thoroughly re-examine its position in regard to oil and gas exploration and should share in a more equal way in any extraction of oil and minerals in view of the environmental damage potential. Governor Askew indicated that the Board would be glad to have the Directors' recommendations on this matter.

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HILLSBOROUGH COUNTY - Duplicate Deed

APPLICANT: Ralph C. Dell
Attorney at Law
P. O. Box 2111
Tampa, Florida

REQUEST: Duplicate of Trustees' Deed No. 18924 dated July 24, 1944, to replace original deed which was lost before recording in the public records.

Staff recommends issuance of duplicate deed for \$25.00.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of the duplicate deed for \$25.00.

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MONROE COUNTY - Lease Agreement

APPLICANT: Historic Key West Preservation Board of Trustees

REQUEST: Cancellation of Lease No. 2557 dated October 7, 1971 between the Trustees and The Monroe County Historical Restoration and Preservation Commission, and approval of lease to Historic Key West Preservation Board of Trustees.

February 19, 1974

LOCATION: Old Armory Building at the corner of White and Southhard Streets in the City of Key West.

By resolution adopted January 23, 1974, the Historic Key West Preservation Board of Trustees has requested the Board of Trustees of the Internal Improvement Trust Fund to lease to it the Old Armory Building at Key West.

Staff Legal Counsel has reviewed this matter and advises that the Historic Key West Preservation Board is not the legal successor to the Monroe County Historical Restoration and Preservation Commission, and the appropriate action to take would be to cancel Lease No. 2557 and execute a new lease to the applicant.

Staff recommends cancellation of Lease No. 2557 and issuance of a new lease to Historic Key West Preservation Board of Trustees.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees approved cancellation of Lease No. 2557 and issuance of the new lease as recommended by the staff.

-16A-

LEE COUNTY - Bulkhead Line Permit No. 36-35-2460

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304

PROJECT: A bulkhead line 380.00 ft. long established by the Board of County Commissioners of Lee County by resolution adopted February 6, 1974.

LOCATION: Section 33, Township 47 South, Range 25 East, Imperial River, Lee County, not in an aquatic preserve.

ECOLOGICAL RESPONSES: See "16C".

OTHERS: The Board of County Commissioners of Lee County established the bulkhead line by resolution on February 6, 1974.

Staff recommends approval of the bulkhead line.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board of Trustees approved the bulkhead line as established by the Board of County Commissioners of Lee County by resolution on February 6, 1974.

-16B-

LEE COUNTY - Right of Way Easement File No. 2539-36-253.03
(February 5, 1974)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304
(DOT Section 12010-2509)

PROJECT: Highway and bridge construction for public highway purposes as and for right of way for public State Road No. 45. Some filling is required.

LOCATION: A 1.40-acre parcel of sovereign land in the Imperial River, abutting Section 33, Township 47 South, Range 25 East, Lee County, not in an aquatic preserve.

ECOLOGICAL RESPONSES: See Item "C"

February 19, 1974

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the right of way easement and deleting the word "dredging" in the project description as the Director said there would be no dredging, only filling.

-16C-

LEE COUNTY - Fill Permit No. 36-31-2461
(February 7, 1974)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32340

PROJECT: To construct 50 ft. of riprap seawall and fill
2,520 sq. ft. of submerged lands below the 1.50
foot mean high water line.

LOCATION: Section 33, Township 47 South, Range 25 East,
Imperial River, Lee County, not in an aquatic
preserve.

MATERIAL: 117.60 cubic yards of fill will be used to fill
submerged lands.

PAYMENT: No payment required.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - To better conserve the biologically productive tidal flood plain of the Imperial River, the Department of Transportation should extend the bridge north of the tidal marsh and establish the bulkhead line along the landward edge of the tidal marsh. The proposed fill may be eliminated without significantly extending the length of the bridge by constructing a vertical bulkhead at the landward edge of the tidal marsh.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - At the request of the Department of Transportation, this agency has expedited the following comments on the bridge crossing of U. S. 41 and the Imperial River, Lee County. Our field inspection and review of available information indicates that a small but biologically valuable area of intertidal wetlands will be filled on the northern edge of the Imperial River. Wetland vegetation in this area includes mangroves and blackrush, both of which are important to the maintenance of water quality and viable fish and wildlife populations. Although the fill area is small, it would be best for existing natural resource values to design the bridge approach to eliminate the need for the fill.

Department of Pollution Control - January 18, 1974 - This Department recommends approval of the project, as revised, with the addition of the following two stipulations: (1) Rerouting of the ditch on the east side of the project, so that it flows under the bridge, and, (2) provisions be made for culverts, under the roadway, for the first and fourth lateral ditches.

Specific locations of these physical features have been conveyed to DOT District representatives by this department's Regional Administrator Phillip Edwards. Certification will be issued upon a favorable response by the Trustees, and satisfactory implementation of the above stipulations.

OTHERS: 1. Department of Transportation letter dated February 11, 1974 to Mr. Kuperberg. 2. Department of Transportation letter dated February 6, 1973 to Mr. K. K. Huffstutler, Chief Bureau of Permitting, Department of Pollution Control.

February 19, 1974

Staff recommends that the fill permit be issued with the stipulations of the Department of Pollution Control.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Dickinson and passed without objection, authorizing issuance of the fill permit subject to the stipulations of the Department of Pollution Control.

-17-

SARASOTA COUNTY - Application for Dedication
File No. 2542-58-253.03
(January 4, 1974)

Staff Description: A portion of the filled former bed of Little Sarasota Pass, Siesta Key, filled by avulsion in 1926, abutting Section 32, Township 37 South, Range 18 East, Sarasota County

- A. CITY AND COUNTY: Sarasota County
- B. APPLICANT: Board of County Commissioners
of Sarasota County
- C. APPLICANT'S
REPRESENTATIVE: Edward S. Hoyt, County Administrator
P. O. Box 8, Sarasota, Florida 33578
- D. ACREAGE: 5.885 acres
RATE PER ACRE: Not applicable
- E. PURPOSE: The county proposes to maintain the parcel of land in its natural condition to preserve the scenic qualities and amenities of the beach and make it available for use by the public, to the extent compatible with its preservation and under suitable regulations, for bathing, picnicking and nature study.
- F. BIOLOGICAL REMARKS: Not applicable
- G. STAFF REMARKS: The Courts of Florida have established that the State of Florida is the owner of the parcel of land, and defined the north, west and south boundaries of the parcel. By stipulation in Case No. 14939 in the Circuit Court in and for Sarasota County, Peppe versus Bryant, the easterly boundary is described as being 12 feet westerly of the Camp Meander Line established in 1895.

The stipulation also requires that the Trustees dedicate the parcel of land to Sarasota County for maintaining the beach in its natural condition in perpetuity for use as a public bathing beach only.

Staff recommends that the area be dedicated to Sarasota County for the purpose set forth in the stipulated order which closed out the litigation related to title to the former portion of Little Sarasota Pass.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees approved dedication of the parcel of land to the county for the purpose shown in the stipulated order that closed the title litigation with respect to the former portion of Little Sarasota Pass.

-18-

LEE COUNTY - Seawall and Fill Permit No. 36-12-0979E
(May 23, 1973)

This item is being placed on the agenda at the request of the Commissioner of Agriculture.

February 19, 1974

APPLICANT: Charles M. Stevenson
Duane Hall & Associates, Inc.
8800 South Tamiami Trail, Fort Myers, Florida 33901

PROJECT: To construct 288 feet of concrete vertical seawall with riprap to be placed at the toe on the waterward side and to reclaim 5400 square feet of submerged land.

LOCATION: Section 20, Township 45 South, Range 24 East, Caloosahatchee River, Town and River Estates, Fort Myers, Lee County, not in an aquatic preserve.

MATERIAL: 810 cubic yards of fill used to reclaim 5400 sq. ft. of submerged land.

PAYMENT: Not required.

STAFF REMARKS: (1) Exemption application was received on May 23, 1973. (2) Additional information (quantity of material to be filled in) was requested on June 8, 1973 for clarification under F.S. 253.136 (Administrative Rules 18-2.095), and again on January 24, 1974. (3) Field Operations Division comments have not been requested, to date, as the project sketches do not specify the quantity of material to be placed below the existing mean high water line.

ECOLOGICAL RESPONSES:

Department of Pollution Control - Although we are not in receipt of a formal application from your office on the above named project, we have reviewed information submitted to us on May 22, 1973, by Mr. William D. Bender, in behalf of Mr. Charles M. Stevenson. From a water quality standpoint we have no objections to the project, and recommend immediate action to minimize erosion on the site. It is recommended that a sloping riprap type wall be constructed at the line of mean high water.

OTHERS: The Board of County Commissioners of Lee County approved the project at their meeting of June 20, 1973.

Staff recommends approval of the project subject to the recommendation of the Department of Pollution Control and a favorable review by the Field Operations Division.

ACTION OF THE TRUSTEES:

This application filed under the exemption procedure had been delayed pending receipt of information on the amount of material to be used, and at the request of a member of the Board was placed on this agenda with staff recommendation for approval subject to the recommendation of the Department of Pollution Control for construction of a sloping riprap-type seawall at the line of mean high water.

Motion was made by Mr. Christian, seconded by Mr. Dickinson, that the recommendation be approved.

Mr. Tom Ervin, applicant's attorney, opposed the requirement for seawall construction at the line of mean high water. His client had petitioned the Board to allow refilling of the eroded lot and construction of seawall on the boundary line, as about 5,400 square feet of the applicant's property had washed out in the 2½ to 3 years leaving the lot too small for construction of his house.

Speaking in his own behalf, Mr. Stevenson recounted the situation and strongly objected to delays that, in his opinion, were unnecessary and harmful to him. He explained that the recommendation to construct the seawall at the mean high water line, now far back from his original lot line as a result of erosion, would not allow him to reclaim his property and build the house he had planned.

After discussion and examination of maps showing the application area and adjacent Lot 256 for which a vertical seawall permit had

February 19, 1974

previously been approved, Mr. O'Malley recommended that the applicant's request for a concrete vertical seawall at his original property line be granted.

Governor Askew indicated that the Board should approve this application and the Department of Pollution Control could then make its decision.

An amended motion was made by Mr. Christian, seconded by Mr. Dickinson and passed without objection, to approve the applicant's request to construct a vertical seawall with riprap at its waterward base and allow restoration of the eroded portion of his lot.

Six addenda had been placed on a supplemental agenda, all except one at the request of members of the board. With the exception of addendum item 23, the members were not willing to waive the rules to consider applications that they had not had sufficient time to review.

The applications for which the rules were not waived are as follows:

19. LEE COUNTY - Dredge and Construction Permit 253.123-871 applied for by Harper Brothers, Inc. (Quin-Ton, Inc.)
20. HILLSBOROUGH COUNTY - Construction Permit 29-23-0463 applied for by Hillsborough County.
21. MONROE COUNTY - Dredge and Construction Permit 253.123-764 applied for by Ocean Reef Shores, Inc.
22. DADE COUNTY - Construction and Fill Permit 13-39-1196 applied for by Biscayne Bay Development Corporation.
24. BREVARD COUNTY - Marina License and Construction Permit 05-30-1395 applied for by Joseph R. Mizerek. There was some discussion (see below) but no action taken by the Trustees.

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the rules were waived for consideration of the following application.

-23-

ESCAMBIA COUNTY - Extension of Dredge and Fill Permit
No. 253.123-652

APPLICANT: William Soule
c/o Wilmer H. Mitchell
Post Office Drawer 1271, Pensacola, Florida 32596

PROJECT: To extend Dredge Permit No. 253.123-652 for two years.

LOCATION: Adjacent to Sections 50 and 51, Township 2 South, Range 30 West, Pensacola Bay, Escambia County, not in an aquatic preserve.

MATERIAL: 30,000 cubic yards of dredged material to be placed on beach areas lost by erosion caused by Hurricane Camille.

PAYMENT: Not applicable.

STAFF REMARKS: Permit previously extended pending receipt of Department of Pollution Control comments, which were received by telephone, February 18, 1974. Present permit expires February 19, 1974.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - January 11, 1974: The comments provided by this office on November 14, 1973, still apply to this application.

February 19, 1974

November 14, 1973: While materially disturbing shallow offshore and nearshore habitat beneficial to marine biological resources, the project would provide, at best, only scattered bayfront properties with temporary relief from bank erosion. It is our suggestion that the individual property owners take measures to stabilize the bayfront erosion problem through the construction of sloping riprap revetments at or above the existing mean high water line. However, should the renewal permit be granted for this application, the applicant ought to be required to take all measures necessary to control siltation and turbidity during the dredge and fill operations, thereby minimizing the effects of the proposed work on adjoining bay bottoms.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects. It should be noted, however, that the project consists of artificially renourishing a number of extremely short shoreline segments with sand obtained from the nearshore area. In addition, the density of the fill is quite low (less than 15 cubic yards per foot of shoreline) and the proposed free slope is very steep. For these reasons, it is improbable that this project will provide any long-range mitigation to the shoreline erosion process.

Game and Fresh Water Fish Commission - Our environmental Section has reviewed this permit application and offers no objections to its issuance.

Department of Pollution Control - On the basis of information received and an on-site inspection, the Department objects to the proposed project. Immediate and long range water quality problems would occur as a result of the dredging and spoiling operations. The Department does not intend to certify this project, as proposed, and suggests that the following revisions be made: (1) The offshore dredging and spoiling operations be eliminated; (2) Riprap bulkheads be constructed to stabilize the shoreline and provide a more permanent protection for upland property on the bay; (3) Filling be minimized as much as possible and the fill be obtained from upland sources.

Staff recommends approval of the dredge and fill permit subject to project revision as recommended by the Department of Pollution Control, that (1) The offshore dredging and spoiling operations be eliminated, (2) Riprap bulkheads be constructed to stabilize the shoreline and provide a more permanent protection for upland property on the bay.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the staff received comments yesterday from the Department of Pollution Control which was agreeable subject to certain stipulations, accepted by the applicant.

Motion was made by Mr. Christian, seconded by Mr. Conner, that the staff recommendation be approved as the action of the Board on application for extension of a permit expiring on this date.

The motion passed with five affirmative votes, Treasurer O'Malley abstaining with the explanation that he had not had sufficient time to review the addendum.

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Although the rules had not been waived for consideration of the application of Joseph R. Mizerek to construct docking facilities in Section 14, Township 30 South, Range 38 East, Indian River, Brevard County, in Aquatic Preserve No. A-6, Mr. Mizerek, a commercial fisherman, was present and asked to be heard.

The applicant said he had obtained approval from the Board of County Commissioners of Brevard County, had worked with the required environmental agencies that had helped design the facility (to be used by commercial fisherman only), had worked with the Department of Pollution Control at the initiation of the application, and had been trying for a year to get permits to improve docking for the Fisherman's Cooperative of which he is a member at Sebastian Inlet. He indicated that he was prepared to furnish the metes

and bounds description requested by the staff.

Explaining that the Board would like to give Mr. Mizerek an opportunity to be heard but had insufficient time to review the addendum the Governor expressed the opinion that the applicant was entitled to a fair consideration in an orderly course when all the requested information was available. Therefore, the matter would be re-agendaed for the next meeting. Mr. O'Malley added his regret that this applicant would have to return, but members were not in a position to give him a fair hearing today on a lengthy item added to the agenda too late to be given proper consideration.

Without objection, the Board deferred consideration of this application.

Mr. Conner referred to funds created at the last meeting for the Trustees' staff to try to handle the work load involved in permitting procedures and his recommendation at that time for each member to designate a staff person to offer assistance in getting the proper information to the public and speeding up the work in order to reduce the logjam and stay current. He added that the other agencies should realize the public pressure caused by this problem.

On motion duly adopted, the meeting was adjourned.

ATTEST:

Joel Kuperberg
EXECUTIVE DIRECTOR

Reubin O'D. Askew
GOVERNOR

John L. Askew
CHAIRMAN

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Tallahassee, Florida
March 4, 1974

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the Haydon Burns Building auditorium with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer

Joel Kuperberg

Executive Director

-1-

On motion by Mr. O'Malley, adopted without objection, the Trustees approved the minutes of February 5, 1974, as submitted.

-2-

BROWARD COUNTY - Disclaimer Application, File 2526-06-253.129
(October 25, 1973)

Staff Description: Three parcels of filled and formerly filled sovereignty land in the abandoned bed of the South Fork of New River embracing 7.42 acres in Section 17, Twp. 50 S., Rge. 42 E.

A. CITY AND COUNTY: Broward County

March 4, 1974

- B. APPLICANTS: L. Coleman Judd and First National Bank in Fort Lauderdale, as Trustee
- C. APPLICANTS' REPRESENTATIVE: Thompson, Wadsworth and Messer
Post Office Box 1876
Tallahassee, Florida 32302
- D. ACREAGE: 7.42 acres
- E. APPRAISAL: Not applicable
- F. PURPOSE: Not applicable
- G. BIOLOGICAL REMARKS: Not applicable
- H. STAFF REMARKS: The applicants have made application pursuant to Section 253.129, Florida Statutes, which provides that "The title to all lands heretofore filled or developed is herewith confirmed in the upland owners and the trustees shall on request issue a disclaimer to each such owner."

Two affidavits have been submitted which state that the area was either upland in its original state or was filled prior to May 29, 1951.

The U. S. Township Plat approved November 30, 1870, and the 1908 plat of record indicate that the area was a part of the old river bed.

Information from the U. S. Engineers Office survey, March 1939, gives the location of the old channel.

Portions of the filled parcels were removed by dredging to form a yacht basin. The project was authorized by Corps of Army Engineers SAJSP Permit (66-630) May 31, 1967. The Trustees staff by letter of January 27, 1967, interposed no objection to issuance of the permit.

Staff legal counsel is of the opinion that upon submerged land being filled, title vested as of that time.

\$100 processing fee has been submitted.

Staff requests authority to issue disclaimer.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the disclaimer.

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SEMINOLE COUNTY - Fill Permit No. 59-39-1090
(Revised June 29, 1973)

APPLICANT: Hal B. Washburn
1150 Via Salerno, Winter Park, Florida 32789

PROJECT: To fill an area 85 feet long by 35 feet wide below the 42-foot ordinary mean high water contour line in Lake Ada

LOCATION: Section 37, Township 20 South, Range 30 East, Sanford, Lake Ada, Seminole County, not in an aquatic preserve.

MATERIAL: 740 cubic yards of fill to be obtained from uplands.

PAYMENT: Not applicable.

STAFF REMARKS: Our field operations division recommends approval of the permit as revised.

March 4, 1974

ECOLOGICAL RESPONSES:

Department of Natural Resources - October 4, 1973: After reviewing the situation, Herting advises that ". . . the proposed development should be restricted to the upland area." As a result of our Friday meeting with the applicant, this aspect of our report's stipulation will be met almost entirely and the exception to this has already been agreed upon by the State agencies represented at that time. The other main aspect of our report speaks to our readiness to recommend restoration measures. As you know, this subject had already been reviewed at the Friday meeting and the measures are to be followed by the applicant.

September 21, 1973: The subject area appears to have been modified by earth-moving equipment and an artificial berm (dike) separates the subject area and additional submerged land from Lake Ada. Such vegetated wetlands adjoining lakes play an important role in maintaining the water quality and nutrient cycles in the lakes. To best conserve aquatic biological resources in Lake Ada, the proposed development should be restricted to the upland area.

Since work on this project has been completed, this constitutes an after-the-fact application and our biologist's comments are moot. The staff of Survey and Management and Interior Resources stand ready to recommend restoration measures, should they be appropriate.

Game and Fresh Water Fish Commission - It is our opinion that deposition of the requested 740 cubic yards of fill would not seriously affect the biological functions or contributions of this marsh. Also, with placement of this fill, present erosion of fill, silt and asphalt into the marsh from an adjacent motel parking lot would cease. Our only suggestion is that the existing berm be leveled to facilitate uninhibited water exchange between the lake and marsh. If the applicant will agree to correct this condition, we will offer no further objections to the project.

Department of Pollution Control - By copy of this letter we are advising the affected agencies that this Department has no objections to the proposed project. Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

OTHERS: Quit Claim Deed dated February 12, 1974 received from Drage Industries, Inc., deeding 1.069 acres of marsh above and below the ordinary high water line to the Board of Trustees of the Internal Improvement Trust Fund.

Staff recommends issuance of the fill permit with the stipulation that the existing berm be leveled to facilitate uninhibited water exchange between the lake and marsh.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the fill permit subject to the recommended stipulation.

-4-

BAY COUNTY - Modification of Marina License and Construction
Permit No. 03-30-1158E
(Revised December 21, 1973)

APPLICANT: Cove Properties
300 Cherry Street, Panama City, Florida 32401

PROJECT: Modify an existing permit to include a 58-foot long by 7-foot wide dock extension covering an additional 392 square feet. Total of 1911 square feet of state-owned submerged land to be occupied by the marina facility.

LOCATION: Section 16, Township 4 South, Range 14 West, St. Andrews Bay, Bay County, not in an aquatic preserve.

MATERIAL: Not applicable; no dredging involved in the project.

March 4, 1974

PAYMENT: No payment required for the additional square footage, as total square footage would still come under the minimum annual fee.

STAFF REMARKS: Field Operations recommends approval of the proposed modification.

Staff recommends issuance of a modified marina license and construction permit at the minimum annual fee of \$100.00.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the modified marina license and construction permit.

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BREVARD COUNTY - Marina License and Construction Permit
No. 05-39-1203
(July 16, 1973)

APPLICANT: Cape Shores Development Corporation
6701 North Atlantic Avenue
Cape Canaveral, Florida 32920

PROJECT: Construct a boat ramp 20 feet long by 50 feet wide and two docks. One dock will be 300 feet long and 6 feet wide with a 200 foot long toe and the other dock will be 33 feet long and 6 feet wide. The facility will cover 20,359.27 square feet of submerged land.

LOCATION: Section 22/23, Township 24 South, Range 37 East, Banana River, Brevard County in Banana River Aquatic Preserve A-7.

MATERIAL: Not applicable.

PAYMENT: \$407.18 annual fee for 20,359.27 square feet.

STAFF REMARKS: Field Operations Division has inspected the dock location and reports navigable depths of -3 feet mean low water extending 400 feet offshore. Navigable access along the shore will not be impaired by the proposed facility.

ECOLOGICAL RESPONSES:

Department of Natural Resources - The proposed boat ramp and dock construction would eliminate limited areas of vegetated bottoms. Because of the shallow bottoms in the subject area and offshore several hundred to a thousand feet, only small boats (draft two feet and less) should be accommodated by the proposed facilities. Although bottoms offshore are less than two feet deep, a slough or natural channel exists that is nearly three feet deep and provides access to deeper water. This channel should be marked sufficiently to prevent unfamiliar boaters from disturbing shallow vegetated bottoms. The proposed construction should have only limited adverse effects on estuarine biological resources.

Game and Fresh Water Fish Commission - This department has no objections.

Department of Pollution Control - By copy of this letter, we are advising all affected agencies that although this Department has no objections to the construction of the facilities, we will not support any future dredging in this area. The river bottoms in this area of the Banana River are very shallow and contain extensive grass beds. The future elimination of these areas by required dredging to make the proposed facilities usable will have severe detrimental effect on local water quality by reducing the ability of these water areas of the Banana River to support the propagation of fish and wildlife. It is recommended that the applicant be advised that any future dredging that may be required may not be approved.

March 4, 1974

Staff recommends issuance of a Marina License and Construction Permit for the annual fee of \$407.18 on the basis of use of the area in its natural condition and that the marina license contain adequate warning against unpermitted dredging.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the marina license and construction permit subject to the staff recommendations.

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COLLIER COUNTY - Dredge and Construction Permit No. 11-39-0640
(Revised January 29, 1974)

APPLICANT: Harvey A. Ford, Trustee
c/o Tri-County Engineering
Post Office Box 578, Naples, Florida 33940

PROJECT: To perform maintenance dredging to -5.6 feet mean low water in an existing upland boat basin; construct 400 feet of stone revetment along the mean high water line with a 175-foot long by 20-foot wide dock and a connecting 100-foot long by 30-foot wide "T"-shaped dock and mooring facility on the waterward side of the intertidal vegetation, and construct three trestle walkways 20 feet long by 10 feet wide to connect the docking facilities to uplands.

LOCATION: Section 10, Township 50 South, Range 25 East, Collier County, not in an aquatic preserve.

MATERIAL: 7,000 cubic yards of material to be removed and deposited on uplands.

PAYMENT: No payment required as the existing boat basin is in private ownership.

STAFF REMARKS: Field Operations Division recommends approval.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - In the interests of marine resource conservation, the applicant should (1) construct his bulkhead at the existing approximate mean high water line, (2) build several trestle walkways through the existing vegetation, and (3) construct the piers and moorings on the waterward side of the intertidal vegetation. The dredge area would be more conservative if its landward perimeter were located at the waterward edge of the intertidal vegetation line. The proposed riprap shoreline should be realigned to follow the approximate shoreline shown on the application.

Dredging should be restricted to that necessary for access to the main canal and silt retention equipment should be employed. The nature of this area suggests future water quality problems which should be addressed by the Department of Pollution Control.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is recommended that the applicant consider using riprap along the face of the proposed concrete seawall.

Game and Fresh Water Fish Commission - We are deferring our comments on the above referenced project to the Survey and Management Section of the Department of Natural Resources.

Department of Pollution Control - Although this Department has no objections to the proposed project it would be an improvement if the recommendations of Department of Natural Resources were adhered to.

NOTE: In a revised application, the applicant has met all Department of Natural Resources stipulations.

Staff recommends issuance of the dredge and construction permit with the stipulation that silt retention equipment be employed.

March 4, 1974

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Stone and passed without objection, approving issuance of the dredge and construction permit to Harvey A. Ford, Trustee, subject to the stipulation that silt retention equipment be used.

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DUVAL COUNTY - Dredge Permit No. 16-21-1609
(August 24, 1973)

APPLICANT: Jacksonville Electric Authority
220 East Bay Street, Jacksonville, Florida 32202

PROJECT: To perform maintenance dredging in two areas; (1) fuel unloading dock 800 feet long by 150 feet wide to -35 feet mean low water, and (2) settling basin 180 feet long by 65 feet wide to -18 feet mean low water for the removal of 10,000 cubic yards of material to be deposited in the underwater Grassy Point spoil area.

LOCATION: Section 39, Township 2 South, Range 27 East, St. Johns River, City of Jacksonville, Duval County, not in an aquatic preserve.

MATERIAL: 10,000 cubic yards of material to be dredged and deposited in the Grassy Point spoil area.

PAYMENT: Not required as the submerged lands are owned by the City of Jacksonville.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed maintenance dredging should not significantly affect aquatic biological resources provided siltation is controlled. As we have reported previously, increased environmental awareness has resulted in reevaluation of open-water spoiling. Because suspension of sediments and repeated disturbance of the bottoms have deleterious effects on water quality and benthic communities, spoil should be deposited on diked upland sites.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that the proposed maintenance dredging would have significantly adverse hydrographic effects; however, it is recommended that an upland spoil site be used rather than the proposed spoil area 'A'.

Game and Fresh Water Fish Commission - Based on our review of the specifics of this project and our knowledge of similar dredging operations that have taken place in Jacksonville Harbor in the past, our comments on this proposed project are as follows:

1. Considering the project's location and the associated biologically low quality bottoms in this location, it does not appear that the dredging operation itself will have any significant adverse biological effects.

2. Our agency is opposed to the project's proposed open water spoiling, however, since such disposal practices contain inherent biological problems such as local reductions in dissolved oxygen due to decreased photosynthesis, disruptions of bottom communities due to siltation, possible releases of toxic or deleterious substances chemically bound in spoil materials, and physical damages to the respiratory apparatus of fish and invertebrates due to the abrasive action of suspended substances. In order to avoid these adverse effects, spoil should only be placed on suitable diked upland areas.

3. Rigid turbidity control methods and procedures should be adhered to during the dredging operations in order to maintain the turbidity level below the 50 Jackson Units standard set by the Department of Pollution Control.

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Department of Pollution Control has conducted a review of the above proposed project and we do intend to issue water quality certification. However, the Grassy Point Disposal area will be approved for use only until December 31, 1973. No further disposal should be made in that area after December 31, 1973.

Staff recommends issuance of a dredge permit with the stipulation that spoil material be deposited on an adequately diked upland spoil area, on Quarantine Island or spoil be deposited in an open ocean spoil area approved by state environmental agencies pending availability of Quarantine Island.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees approved Dredge Permit No. 16-21-1609 to the applicant, Jacksonville Electric Authority, with stipulation that spoil material be deposited on an adequately diked upland spoil area, on Quarantine Island or spoil be deposited in an open ocean spoil area approved by state environmental agencies, pending availability of Quarantine Island.

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HILLSBOROUGH COUNTY - Construction Permit No. 29-23-0463
(March 9, 1973)

This application was deferred on November 6, 1973 and on February 19, 1974.

APPLICANT: Hillsborough County
P. O. Box 1110, Tampa, Florida 33601

PROJECT: To construct a storm drainage outfall and a sewage treatment plant outfall into an artificial waterway.

LOCATION: Section 23, Township 28 South, Range 17 East, Channel A, Sheldon Road, Hillsborough County.

ECOLOGICAL RESPONSES: Department of Natural Resources - The excavation required to install drainage line outfall and an effluent line outfall in Channel A should not have significant adverse effects on marine biological resources. Agencies concerned with protecting water quality should carefully review the proposed project. Serious consideration should be given to the installation of auxiliary equipment and retention ponds in the event there is a malfunction in the sewage treatment plant.

The proposed effluent line should discharge at a point above ordinary high water to facilitate sampling by pollution control agencies.

Game and Fresh Water Fish Commission - In an effort to help streamline permitting procedures between the Game and Fresh Water Fish Commission, the Department of Natural Resources, and the Trustees of the Internal Improvement Trust Fund, we are deferring our comments on the above referenced project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control has no objections to the proposed outfall. The project was discussed and no objections indicated at the March 16, 1973, meeting.

OTHERS: 1. The Department of Pollution Control issued permit number 72567 on December 11, 1972 for the expansion of a trickling filter to an Advanced Waste Sewage Treatment Plant.
2. Southwest Florida Water Management District letter of August 24, 1972, has no adverse comments concerning the conceptual design of the facility.
3. Tampa Port Authority letter of January 31, 1973, no permit will be required for the proposed project.

Staff recommends that the construction permit be issued.

ACTION OF THE TRUSTEES:

The Executive Director requested that the stipulation regarding the discharge point in the staff recommendation be dropped as

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the matter has been resolved.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the construction permit to Hillsborough County without the stipulation.

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LEE COUNTY - Dredge and Construction Permit No. 253.123-871
(Revised, October 26, 1973)

APPLICANT: Harper Brothers, Inc. (Quin-Ton, Inc.)
1525 Colonial Boulevard
Fort Myers, Florida 33901

PROJECT: To dredge 2,381 cubic yards of material from a proposed access channel 350 feet long by 50 feet wide and to a -5 to -10 feet mean low water and remove an existing earthen plug for connection of an existing upland canal to a navigation channel with the spoil to be placed on an upland diked spoil site. To construct a concrete vertical seawalled double-gated lock system between the existing upland canal and the proposed access channel.

LOCATION: Section 20, Township 45 South, Range 24 East, Caloosahatchee River, Lee County, not in a aquatic preserve.

MATERIAL: 2,381 cubic yards of material to be removed from state-owned submerged lands to be deposited on an upland diked spoil site.

PAYMENT: \$2,124.00 received as payment for 2,124 cubic yards of material to be removed from state-owned submerged lands.

STAFF REMARKS: This provides navigational access to a disputed project which was settled by the Trustees agreement approved in regular meeting October 2, 1973.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - Since our initial study of the subject area on December 4, 1970, an extensive tidal marsh vegetated by red and white mangroves, black rush, and leather ferns has been eliminated by the subject canal development (after-the-fact). The development is presently connected to tidal waters of Deep Lagoon by adjoining tidal marsh, mangrove, tidal creeks, and mosquito canals. The canal development was examined by navigating into the area through tidal creeks and mosquito canals adjoining Deep Lagoon. Bottoms in the canals were found to be approximately 15 ft. deep and dredge bucket sampling yielded a silty ooze which had a strong odor of hydrogen sulfide. No macroscopic life was detected in several quarts of silt sieved. At the time of the inspection, a dragline was operating in a canal and removing a berm at the base of a new seawall. Many mangrove seedlings had become established on this berm. Seawall installation was also observed at the south end of the development. The removal of the berm and mangrove seedlings from the base of seawalls will further reduce available habitat for marine life and wildlife. The proposed development (after-the-fact) has had significant adverse effects on marine life and wildlife. To best conserve marine biological resources, the proposed dredging and lock construction should be denied and tidal marsh and mangrove should be restored to its original condition. A topographic map of the subject area (Duane Hall Associates, 2/20/70) and a topographic map of the adjoining property to the east (John Amy, 4/29/71 and 9/22/71) indicate that tidal marsh and mangrove extending west of Deep Lagoon were near or slightly below mean high water (1.03 ft. S.L.D.). As an alternative to complete restoration of tidal marsh and mangrove, the applicant should be required to block all tidal waterways presently connected to the canal development and discharge drainage waters in the form of sheet flow through adjoining marsh and mangrove

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which should be preserved. Consideration should also be given to reducing the excessive depths of the existing canals from 15 feet to a maximum of approximately 6 feet. Shallow berms along seawalls should be maintained or re-established to provide a littoral zone.

Bureau of Beaches and Shores - A hydrographic survey will not be required. The proposed gate arrangement will isolate the artificial waterway system from the Caloosahatchee River with the exception of 'lock' water and possibly groundwater seepage. These two exceptions will have minimal hydrographic effects but may be of concern to agencies involved with water quality. The proposed entrance channel is to be excavated in unconsolidated sandy material and due to the flow in the Caloosahatchee River and the characteristics of the bottom material, the entrance channel will not remain stable for any prolonged period of time. Maintenance of the entrance channel may be a substantial problem as material from the adjacent shoreline and river bottom will tend to slough off and fill the channel.

Game and Fresh Water Fish Commission - Our overall review of this proposal indicates that a natural marsh and subsequently a man-induced wetland has been altered to form waterfront property. In either of the previous wetland conditions the subject property was acting to control or reduce water quality problems; the existing condition can only increase such problems. We do not believe that a double lock apparatus on the entrance canal will solve the water quality aspects associated with this type of development. The number of lots indicates that boat traffic in and out of locks will be significant. If this assumption is correct, the opening and closing of the locks will cause a considerable interchange of water. In any case, water will be exchanged with the river through any number of possibilities, such as water pressures caused by rainfall, tidal regimes, etc. If the lock is primarily for the purpose of preventing water exchange from a development containing poor quality water, we do not understand how such a system will effectively operate.

In conclusion, we recommend against the construction and implementation of a lock system. A better alternative would be the construction of a boatlift at the plug which would facilitate boat traffic and isolate low water quality from the river.

Department of Pollution Control - Please refer to your copy of our letter dated September 19, 1973, for comments regarding this subject. The Department of Pollution Control has no objections to the project as revised and will issue certification pending Cabinet approval.

Staff recommends approval of this permit to resolve an issue of long standing.

ACTION OF THE TRUSTEES:

The Executive Director stated that the application was the second part of a settlement, the first part having been approved by the Board on October 2, 1973, and was recommended by the staff.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Trustees.

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MARION COUNTY - Dredge Permit No. 42-20-0201
(Revised January 29, 1974)

APPLICANT: S. Stanton Gould
Route 1, Box 540, Silver Springs, Florida 32688

PROJECT: Dredge two boat basins on uplands and connecting navigational access channels to Lake Bryant, (1) Boat Basin Number One to be 125 feet long by 85 feet wide and a navigational access channel connecting to North Lake Bryant 950 feet long by 40 feet wide to -6 feet mean low water, (2) Boat Basin Number

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Two to be 140 feet long by 40 feet wide and a navigational access channel connecting to Lake Bryant 1000 feet long by 40 feet wide to -6 feet mean low water. 10,916 cubic yards of material to be removed and deposited on uplands.

LOCATION: Section 25, Township 15 South, Range 24 East, Lake Bryant and North Lake Bryant, Marion County, not in an aquatic preserve.

MATERIAL: Approximately 10,916 cubic yards of material to be removed from state-owned submerged lands and deposited on uplands.

PAYMENT: \$5,458.00 received as payment for 10,916 cubic yards of material to be removed.

STAFF REMARKS: Field Operations Division recommends approval of this project with the recommendation that work begin from the uplands toward the lake with earthen plugs to be removed after turbidity has cleared.

ECOLOGICAL RESPONSES:

Department of Natural Resources - Comments deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - Our field biologist has reviewed the revised plans for the above mentioned project and offers the following comments. The applicant now proposes two boat basins, 100 feet by 100 feet. Each will connect to open water by a 40-foot by 1,000-foot canal. The west canal and basin will be constructed first and will give access to North Lake Bryant. The eastern facility will be developed as phase two and will enter Lake Bryant on the northern shore. We do not have any objections to the basic design of this proposal. However, we feel the eastern boat basin should be located entirely on the uplands, and the spoil areas will have to be effectively isolated to prevent backwash of turbid water into the marsh. If these suggestions can be incorporated into the work plan, we offer no further objections to the project.

Department of Pollution Control - As this project has been recommended by the Trustees and Game and Fish Commission personnel, this Department in general concurs with their recommendation. It is apparent that future water quality problems will exist as the canals will have predominantly muck bottoms and sides. Frequent maintenance dredging will be necessary if heavy boat traffic occurs. Bottom deposits will be regularly disturbed, releasing trapped nutrients into the canal and providing optimum conditions for the growth of hyacinths and other aquatic weeds. It is recommended that the developer be held responsible for canal maintenance. Certification will be issued upon notification of Cabinet approval and receipt of seven (7) copies of the revised drawing.

NOTE: Applicant has revised the project design to meet stipulations of the Game and Fresh Water Fish Commission.

Staff recommends issuance of a dredge permit with the stipulation that work begin from the uplands toward the lake with earthen plugs to be removed after turbidity has cleared; staff requests authority to require that canals be lined with sand, if determined to be appropriate.

ACTION OF THE TRUSTEES:

The Executive Director requested authority to add to the staff recommendation that canals should be lined with sand, if after review with the Department of Pollution Control that is determined to be appropriate.

Motion was made by Mr. Dickinson, seconded by Mr. O'Malley and passed without objection, that the modified staff recommendation be approved, adding the stipulation to line canals with sand if determined to be appropriate.

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MONROE COUNTY - Dredge Permit No. 44-25-0326
(Revised September 27, 1973)

APPLICANT: Big Spanish Cove, Inc., c/o Wolfgang A. Schleu
Post Office Box 124, Big Pine Key, Florida 33043

PROJECT: To dredge 50,000 cubic yards of material for a proposed upland boat basin 400 feet long by 320 feet wide to -16 feet mean high water and a proposed access canal 300 feet long by 50 feet wide to -8 feet mean high water.

LOCATION: Section 18, Township 66 South, Range 30 East, No Name Key, Dolphin Harbor, Monroe County, not in an aquatic preserve.

MATERIAL: 50,000 cubic yards of material to be dredged from the proposed upland boat basin and access channel.

PAYMENT: No payment required as the project is on private uplands.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The design of the basin bottom consists of a -16 ft. semicircular center area encircled by two 50 ft. wide concentric ledges, one intermediate at -12 ft. and one around the circumference of the boat basin at -8 ft. The rock-rubble substrate of the boat basin will not allow rapid colonization of marine grass, but the two shallower ledges should be suitable for attached calcareous algae. Enough sediment will eventually settle in the boat basin to allow a succession to 'rooted' algae and perhaps marine grass on the shallower ledges. The deeper center area may eventually become vegetated by 'rooted' algae such as *Caulerpa* and *Penicillus*.

The project should have only limited direct adverse effects on marine biological resources. With depth of -16.0 ft. in the basin, considerable attention should be given to the problem of preventing reduction of water quality in the system which can be expected to have long-range secondary adverse effects on marine biological resources.

Bureau of Beaches and Shores - Insufficient information is provided with the application. A hydrographic assessment cannot be made until adequate project plans have been provided.

This is a revision of a previous permit application and includes three modifications: (1) reduced marina surface area, (2) increased water depths, and (3) elimination of circulation canal. The second modification will reduce the flushing ratio of the marina and the increased water depth may result in severe stratification. The third modification will preclude any additional flushing that may have been afforded by the circulation canal. Since the response of the marina will be largely dependent on configuration of entrance channel, information describing configuration of entire entrance channel should be provided. It should be noted that no definitive study regarding this project has been submitted to the Bureau of Beaches and Shores.

Game and Fresh Water Fish Commission - The revised application indicates that the size of the boat basin has been reduced, however, it still encompasses an area of approximately 300 feet in diameter. The existing canal system with which the applicant proposes to connect his marina consists of two dead-end canals, each over 1,000 feet in length, with enlarged basins at the end of each canal. It has been documented numerous times in the past that deep dead-end canal systems create stagnant, anerobic conditions in the water, resulting in water quality that is undesirable for fish and wildlife. The shoreline of the existing boat basin and canal has been box cut, restricting any potential fish and wildlife habitat. The offshore area of Big Spanish Channel is heavily populated with marine invertebrates and fishes, and

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vegetated with various species of algae and grasses.

In an effort to minimize further degradation of water quality and lessen the impact on the fish and wildlife resources of the receiving waters, we offer the following recommendations: (1) Reduce the depth of the marina and connecting canal to a maximum of 7 feet mean low water to allow adequate light penetration to the bottom. (2) Slope the land surrounding the basin and canal away from the shoreline so that the run-off is retained on the upland. There should be no outfalls emptying into the basin or canal. (3) Place riprap material around the shoreline to increase surface area for attachment of marine organisms. (4) Measures to minimize siltation to receiving waters should be implemented during marina construction. The opening into Big Spanish Channel should not be made until upland construction and filling is completed. (5) Studies should be made to determine the best method of providing adequate circulation to prevent the formation of stagnant pockets in the marina system.

Department of Pollution Control - An initial field review for this project was conducted by the Department of Pollution Control in June of 1973. Based on the field review, the Department indicated that water degradation could be expected due to excessive depths and size of basin. The revised application indicates a reduction in size but the excessive depth of 14-16 feet still remains a factor. The basin is thermally stratified and turbid. Visibility was approximately 5 feet. The bottom was heavily silted with more than a foot of sediments. It was also void of any vegetation. The access channel is box-cut in style; vegetated with *Batophora* Spp.; heavily sedimented; turbid; thermally stratified and very susceptible to the effects of runoff. The offshore waters are biologically significant. There is a 30-40 foot wide buffer zone of Red and Black Mangrove which separates the basin and open water.

Before any recommendations or denials can be made the following questions need to be answered: (1) What is the intended use of the filled area adjacent to the basin? (2) What are the dimensions of the adjacent fill area? (3) Where is the storm water outfall located?

In addition to the unanswered questions the excessive depth of the basin is not acceptable from a water quality standpoint because it exceeds the photosynthetic zone. Adequate circulation is still very doubtful.

OTHERS: 1. Bureau of Sport Fisheries and Wildlife letter dated February 4, 1974, objects to the proposed basin.

2. Letter of January 28, 1974, from the applicant states that the state environmental agencies' recommendations cannot be complied with for redesign.

Staff recommends denial of the dredge permit.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said this old project had been revised a number of times but still did not meet the objections of environmental agencies. Except in hardship cases the staff recommended that an upland basin be no deeper than the receiving body of water. The staff recommendation was based on the adverse comments of every state agency and the United States Bureau of Sport Fisheries and Wildlife.

Motion was made by Mr. Stone, seconded by Mr. Shevin, to approve the denial recommendation.

Mr. Schleu, the applicant, discussed planning for a year and a half on a private club marina, his efforts to accommodate staff and agencies' revision suggestions, and defended his design including a deep basin center area and access connections.

Mr. O'Malley commented that while any type of marina would offer some disturbance of marine resources, to have boating facilities is an attraction of the keys and he suggested the applicant try to work out some approved type of marina utilization. Mr. Shevin

noted that the revision was better than the original plan but as the environmental agencies cannot approve certain aspects and the applicant did not comply with their suggestions, the Trustees should approve or reject the application.

Without objection, the motion approving the staff recommendation passed and the permit application was denied.

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PINELLAS COUNTY - Utility Installation Permit No. 52-23-1358
(August 8, 1973)

APPLICANT: Florida Power Corporation
Post Office Box 14042, St. Petersburg, Florida 33733

PROJECT: To dredge and backfill for installation of a sub-aqueous cable on the east side of Clearwater Pass Bridge.

LOCATION: Section 17, Township 29 South, Range 15 East, Clearwater Pass, Clearwater Harbor, Pinellas County, in an aquatic preserve.

MATERIAL: No payment required.

PAYMENT: \$50 processing fee has been received.

ECOLOGICAL RESPONSES:

Department of Natural Resources - The proposed cable installation across the sandy bottoms of Clearwater Pass should not have significant adverse effects on marine life.

Bureau of Beaches and Shores - A hydrographic survey will not be required. Under normal conditions, the subgrading of aqueous cable crossings is encouraged. In this case, however, the bridge across Clearwater Pass is in tenuous condition due to scouring and the proposed cable crossing may have significant adverse effects on the bridge. In addition, dredging of this area is anticipated as part of a proposed inlet improvement project. Therefore, it is strongly recommended that installation of the proposed cable crossing be delayed until after the dredging for the inlet improvement project has been completed.

Game and Fresh Water Fish Commission - The Environmental Section of the Florida Game and Fresh Water Fish Commission has reviewed the above referenced permit application received from the Trustees of the Internal Improvement Trust Fund dated August 3, 1973. Our comments are submitted to the Trustees of the Internal Improvement Trust Fund in accordance with the resolution passed by the Florida Cabinet dated April 4, 1972. A copy of this letter will be sent to the U. S. Army Corps of Engineers, Jacksonville District, in compliance with the provisions of the Fish and Wildlife Coordination Act. This project should not adversely affect fish and wildlife resources of the area, therefore, we have no objections to the issuance of this permit.

Department of Pollution Control - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500.

OTHERS: A local dredge-only permit was approved at the regular scheduled meeting of Pinellas County Water and Navigation Control Authority on June 19, 1973.

Staff recommends issuance of the dredge permit subject to the stipulation that the cable be installed after completion of dredging for the Clearwater Pass inlet improvement project.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the dredge permit subject to the recommended stipulation.

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SARASOTA COUNTY - Construction Permit No. 58-39-1917
(February 1, 1974)

APPLICANT: General Development Corporation
1111 South Bayshore Drive
Miami, Florida 33131

PROJECT: To construct a steel sheet pile dam, 150 feet long for replacement of an existing dam which is to be removed after construction of the new dam.

LOCATION: Section 32, Township 39 South, Range 21 East, Myakka-hatchee Creek, City of North Port Charlotte, Sarasota County, not in an aquatic preserve.

MATERIAL: No dredging required for the project.

PAYMENT: Not applicable.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed dam reconstruction should not have significant adverse effects on marine biological resources. From a biological standpoint, future dam site "B" appears to be preferable to site "A".

Bureau of Beaches and Shores - The information provided with this application is inadequate to make a hydrographic assessment of the proposed work.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

Department of Pollution Control - Due to the urgency situation, certification will not be required for replacing the existing dam structure and the Department will consider this project exempt from the certification requirements of Public Law 92-500.

Staff recommends issuance of the construction permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the construction permit to General Development Corporation.

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LEON COUNTY - Disclaimer Request

APPLICANT: John S. Gwynn
Cotten, Shivers, Gwynn and Daniel
Tallahassee, Florida

REQUEST: Disclaimer from Board of Trustees to remove cloud on title to privately-owned real property.

LOCATION: North 5 feet of Lot "I" and "J" of a subdivision of Lots 5, 6, 7 and 8 of a subdivision of Lot 57 in the NW Addition to the City of Tallahassee per plat of subdivision of Lots 5, 6, 7 and 8 as recorded in Plat Book 1, page 22 of the public records of Leon County.

On November 3, 1971, Florida State University accepted a warranty deed to the Trustees of the Internal Improvement Trust Fund from Service Mortgage Brokers Company conveying a parcel of land located on West Call Street and described as West 25 feet of Lot "F" and all of Lot "G". This deed also conveyed, but without warranty, the North 5 feet of Lots "I" and "J". The strip of land in question was an abandoned easement and Service Mortgage Brokers Company was never vested with title to this strip inasmuch as its grantor had divested herself of title by conveyance to William Hiram Wilson and Richard L. Wilson years prior to her conveyance to the state's grantor. The applicant represents the Wilsons in applying for a disclaimer or a quitclaim.

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The Legal Division of the Trustees' office examined the abstracts reflecting the chain of title to Lots "F", "G", "I" and "J" and advises that the interest in Lots "I" and "J" conveyed to the state is part of a wild chain and the state acquired no title in these lots by virtue of the conveyance, a matter which could easily be established by an action to quiet title brought against the state.

Staff recommends that the Trustees authorize issuance of a disclaimer to William Hiram Wilson and Richard L. Wilson disclaiming any interest or claim to said Lots "I" and "J" in the NW Addition to the City of Tallahassee, and that any processing fee be waived.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees waived processing fee and authorized issuance of the disclaimer as recommended by the staff.

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SANTA ROSA COUNTY - Oil Lease Assignment

APPLICANT: Rudman Resources, Inc.
Dallas, Texas

REQUEST: Approval of assignment of 1/8 interest in Lease No. 2475-MA to Raymond A. Williams, Jr.

LEASE: Oil and Gas Drilling Lease No. 2475-MA dated November 24, 1970, covering reserved one-half interest of the State in South 22½ chains of Government Lot 2, Section 12, Township 5 North, Range 30 West, containing 22.5 net mineral acres, Santa Rosa County.
Lease is presently held by Rudman Resources, Inc. by assignment approved by Board of Trustees on January 12, 1971.

Staff counsel has reviewed and approved instrument of assignment as to form and legality.

Staff recommends approval of assignment.

ACTION OF THE TRUSTEES:

On motion by Comptroller Dickinson, seconded by Secretary of State Stone, and passed without objection, the oil lease assignment was approved.

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BRADFORD COUNTY - Easement for Electrical Substation and Power Lines

APPLICANT: Clay Electric Cooperative, Inc.
Keystone Heights, Florida 32656

REQUEST: Parcel of land for electrical substation site and power line right of way on land in use by the Department of Health and Rehabilitative Services as the Florida State Prison.

LOCATION: Parcel of land 70 feet by 90 feet containing 0.1446 acre, and two parcels of land 135 feet by 30 feet lying in SE¼ of Section 15, Township 5 South, Range 21 East, Bradford County.

The Department of Health and Rehabilitative Services reviewed this request, approves issuance of the easement, and advises that installation of the substation is necessary to allow updating of the electrical distribution service to the institution.

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Staff recommends issuance of the easement for electrical substation and power line purposes only.

ACTION OF THE TRUSTEES:

On motion by Comptroller Dickinson, seconded by Secretary of State Stone, and passed without objection, the Trustees approved the easement for electrical substation and power line purposes only.

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HILLSBOROUGH COUNTY - Murphy Act Conveyance
(February 4, 1974)

APPLICANT: Tampa-Hillsborough County Expressway Authority
Ray Speer, Chief Right of Way Coordinator,
Courthouse, Tampa, Florida

REQUEST: To purchase a parcel of land 2' x 111' described as follows: North 2 feet of South 6 feet of Lot 4, Block 11, Washington's Subdivision, Plat 1, page 4, Section 24, Township 29 South, Range 18 East, Hillsborough County, Florida.

OFFER: \$100 value approved by staff appraiser.

PURPOSE: Right of way for South Crosstown Expressway.

Staff recommends issuance of a deed to the Tampa-Hillsborough County Expressway Authority under Section 197.381, (b), Florida Statutes, without advertisement and public sale, for the appraised price of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Murphy Act land conveyance was approved and the Trustees authorized issuance of the deed as recommended by the staff.

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TAYLOR COUNTY - Confirm a Public Sale of Murphy Act Land
(February 13, 1974)

DESCRIPTION: Lot 2, Block C, Dreamland Subdivision in Section 25, Township 4 South, Range 7 East, Taylor County.

LOCATION: Lot 2, Block C, Dreamland Subdivision, is 60 feet by 100 feet, level, very well drained, sandy soil. The neighborhood is an old developed area of low income citizens and prospects for neighborhood growth are limited.

APPRAISAL: By staff appraiser, \$300.

AUTHORITY
FOR SALE: Section 197.381, Florida Statutes.

DATE OF
SALE: February 11, 1974, by the Clerk of the Circuit Court of Taylor County, Florida.

HIGH BIDDER: Jace Williams

HIGH BID: \$300.00

Staff recommends confirmation of sale of this parcel of land to Jace Williams, high bidder, for \$300 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees confirmed the public sale under provisions of the Murphy Act and approved issuance of the deed to the high bidder as recommended by the staff.

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TAYLOR COUNTY - Land Conveyance

APPLICANT: Board of County Commissioners of Taylor County

REQUEST: Return of a portion of a Department of Transportation maintenance camp for use by the County for recreational purposes.

LOCATION: All that part of the SW¼ of NW¼ of Section 31, Township 4 South, Range 8 East, lying west of the southwesterly right of way of the Seaboard Coast Line Railroad, less the south 74.55 feet, containing 6.76 acres, more or less, in Taylor County.

The Board of County Commissioners of Taylor County by resolution adopted on November 6, 1972, requested return of this parcel of land to Taylor County for use as a public recreation area. The Department of Transportation reviewed this request, advises that the parcel is surplus to its needs, and recommends that the property be reconveyed to the county without consideration. A permanent easement will be retained on the area sufficient to maintain the existing radio tower on this parcel in use by the Game and Fresh Water Fish Commission.

Staff recommends conveying the 6.76-acre parcel to Taylor County without consideration, subject to the permanent easement for the radio tower.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board.

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LEON COUNTY - Cable Television Easement Agreement Modification.

The staff withdrew from the agenda, at the request of the Treasurer, the request of Clearview Cable-TV to add to and modify the easement authorized by the Trustees on May 15, 1973.

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LEON COUNTY - Lake Jackson Aquatic Preserve Restoration and Protection Program, Request for Time Extension

The Trustees' Resolution No. 73-7 of September 4, 1973, relating to the restoration and protection of Lake Jackson in Leon County included several recommendations. The resolution also stated that if measurable improvement in the condition of Lake Jackson is not achieved within 180 days, then the Trustees will consider initiating the process for establishment of the lake drainage basin as an Area of Critical State Concern.

Staff met with representatives of the agencies and governments involved on February 22, 1974, to evaluate the progress and effectiveness of lake protection progress. The following is a summary of the reports:

1. The Department of Pollution Control has brought cases against a number of individuals and the Department of Transportation. Most corrective measures originally requested by DPC have been completed. However, runoff problems from the surrounding community continue to exist.

2. The Department of Transportation has accelerated construction of I-10 in the basin to bring the completion date from the originally planned September 1 to July 1. Soils exposed due to construction have been covered as soon as possible with both temporary and permanent measures. Siltation barriers have been installed in both Meginnis Arm and Ford's Arm, and are reported to be moderately successful. DOT is currently enlarging the settling pond south of I-10. DPC reports that DOT has made

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an effort to correct the I-10 runoff problem but that erosion and sedimentation continue at Meridian Road and at the junction of temporary U. S. 27 and I-10.

3. Leon County has adopted a new sediment control ordinance which requires an approved sediment control plan prior to development, and allows a stop work order for violations.

4. The ordinance further commits the county to undertake and maintain a comprehensive master storm drainage plan for Tallahassee-Leon County. Such a plan has been submitted in draft form for review by interested state and local agencies and individuals. Success of the proposed plan depends upon adoption of an additional city-county ordinance, as yet unwritten.

5. Studies by Florida State University on the existing problems and ways of possible restoration are continuing; findings indicate the situation has improved along I-10, but pollution continues due to eroding ditches which drain urban Tallahassee, poor quality sewer lines that have been subject to periodic breaks, and the inability of the settling ponds to remove the finer clays from the waters entering the lake. A progress report was made on February 27, 1974.

6. The Tallahassee-Leon County Planning Department has included in its 1974-75 budget, plans for revision of the county land use plan. One rezoning request in the subbasins has been approved since the Trustees' resolution. The zoning was changed to the more intensive commercial parkway use.

7. An environmental impact statement on the proposed extension of electric transmission lines into the Meginnis Arm and Ford's Arm subbasins is expected to be completed in April.

8. The city and county have been informed of the Areawide Waste Treatment Planning and Management Program (Section 208 of the Federal Water Pollution Control Act, as amended, 1972) available through the Environmental Protection Agency. The Division of State Planning has recommended that the Lake Jackson basin be submitted for designation by the Governor as eligible to receive planning and construction grants.

While progress has been made, there is yet no basinwide study, no approved restoration nor protection plan, nor are the necessary preliminary studies complete.

Staff recommends that the Trustees delay for an additional 90 days before taking any action with regard to Trustees' Resolution No. 73-7 adopted on September 4, 1973.

ACTION OF THE TRUSTEES:

The Executive Director displayed a graphic exhibit, presented at a February 27th meeting called to report results of three years of study by Florida State University on Lake Jackson. He explained that the graph showed effects of rainfall upon levels of suspended matter in Lake Jackson at 4 upland discharge points. The first was Ox Bottom Creek, a natural drainage way which showed relatively little increase during a rainstorm in which three urbanized discharge points increased by hundreds of times the suspended matter carried into the lake. The Director pointed out that the answer to water quality problems caused by urbanization would be a different kind of land use. Mr. Kuperberg said in his judgment there was no measurable improvement in the overall quality of the lake. There has been no basin-wide study and no approved restoration or protection plan for the lake. However, preliminary studies are underway and the staff hoped the State Clearinghouse might review and comment on the city-county master drainage plan, and that the city and county could implement that drainage plan. Staff felt that an additional 90 days might clarify the issue.

The State Treasurer made a motion to approve the staff recommendation.

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Mr. Benjamin K. Phipps, attorney representing the Save Lake Jackson Now Association, asked the Board to reject the 90-day delay. In his opinion, the only solution appears to be for the Division of Planning of the Department of Administration, as soon as feasible, to begin its studies, designate the appropriate area as an area of critical state concern, and establish guidelines that will be passed along to local government for the development of the Lake Jackson drainage basin.

Dr. Sherwood Wise stated that the siltation was definitely a county and state problem for which the only long-term answer would be land use and master drainage plans.

Mr. Ralph Turner, Project Director of Florida State University Water Quality Studies on Lake Jackson since July 1971, discussed problems aggravated by Interstate 10 construction, including materials from new residential and commercial areas in the watershed, additional water runoff with higher rates of flow resulting in erosion, dissolved chemicals from many sources. In his opinion, there has been no abatement procedure implemented for these problems, the solution for which would be a rigorously adhered-to master land use plan.

There was a discussion by the Board, the consensus being that 90-day delay would accomplish little. The Governor suggested that the matter be referred to the Division of Planning for review to determine whether or not the area should be designated an area of critical state concern, recognizing that the Division of Planning was involved in reviewing the Green Swamp, the Florida Keys, the Apalachicola River and other areas and it might be 90 days before review of Lake Jackson could begin.

Mr. Earl M. Starnes, Director of the Division of Planning concurred in that statement of review priorities, and the request for a 90-day extension, and some staff help would be appreciated.

Noting that there had been some accomplishments toward a plan to stop the continuing destruction of Lake Jackson, Mr. O'Malley said the county and city had responsibilities and could take affirmative action in the direction of a moratorium on issuing building permits or zoning changes pending the basinwide study.

The Governor indicated that if there was substantial reaction on the part of local governments and sufficient improvement without the necessity of declaring this an area of critical state concern, then that would be one of the considerations in the decision.

Mr. Starnes stated that if action was to be taken today, he would suggest rewording the paragraph in the September 4, 1973, resolution that did read, "BE IT FURTHER RESOLVED that the Board of Trustees recommends that the foregoing be implemented to the end that, if measurable improvement in the condition of Lake Jackson is not achieved within 180 days of the date hereof, then and in that event, the Board of Trustees will consider requesting that the state land planning agency immediately consider initiating the process for the establishment of the Lake Jackson drainage basin as an Area of Critical State Concern." He suggested the underlined portion should read, "...request the Department of Administration, Division of State Planning, to initiate a study of Lake Jackson, as a possible area of critical state concern."

A substitute motion was made by Mr. Shevin, seconded by Mr. Dickinson and adopted without objection, that Resolution No. 73-7 relating to Lake Jackson be amended in the manner suggested by Mr. Starnes by amending the second "resolved" clause of the resolution to read as follows:

"BE IT FURTHER RESOLVED that the Board of Trustees recommends that the foregoing be implemented to the end that, if measurable improvement in the condition of Lake Jackson is not achieved within 180 days of the date hereof, then and in that event, the Board of Trustees will request the Department of Administration, Division of State Planning, to initiate a study of Lake Jackson as a possible Area of Critical State Concern."

and, further, that the Trustees have determined that as of now, there has not been measurable improvement in the condition of Lake Jackson and therefore, the Trustees do request the Department of Administration through its Division of State Planning to initiate a study of Lake Jackson as a possible Area of Critical State Concern.

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ST. LUCIE COUNTY- Dredge and Fill Permit No. 56-24-0883
(Revised October 24, 1973)

APPLICANT: Warren A. McFadden
c/o M. G. E., Inc.
3000 N. E. 30th Place, Suite 500
Fort Lauderdale, Florida 33306

PROJECT: To dredge a meandering waterway and lakes to a -8 feet mean sea level for removal of approximately 100,000 cubic yards of material and to fill three areas; (1) 12.0 acres, (2) 9.0 acres, (3) 3.0 acres, to a +7.0 feet mean sea level using approximately 300,000 cubic yards of material (100,000 cubic yards dredged and 200,000 cubic yards of fill obtained from off site), and to construct a secondary ocean front dune.

LOCATION: Section 19, Township 35 South, Range 41 East, Indian River, Hutchinson Island, St. Lucie County, in Aquatic Preserve A-10, which includes all sovereign lands.

MATERIAL: Approximately 100,000 cubic yards of material to be removed.

PAYMENT: Request waiver of the fee as part of the agreement.

STAFF REMARKS: Part of the area to be developed may be below mean high water and therefore a dedication of lands west of A-1-A as a conservation or wilderness area is proposed.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - December 21, 1973: This office has received notification from the applicant dated December 20, 1973, that stipulates the permanent sealing of all culverts which connect the impounded area east of A-1-A with the west impounded area. This stipulation removes the sole remaining direct threat posed by this development to the waters of the west impoundment and indirectly to the waters of the Indian River.

December 13, 1973 - The revised application states that the depth of the proposed lakes and waterways will be limited to 8 feet and that the lake-waterway system will not connect directly to the Indian River; the system will, however, connect via culverts to the impounded area west of State Road A-1-A according to sketches submitted. The project will not, therefore, be a landlocked development.

Residential development can be expected to generate pollutants which will enter the lake-waterway system; and, although not connected directly to the Indian River, the system would connect to an impoundment occasionally opened to the river. The proposed lake-waterway system should be thoroughly evaluated by agencies responsible for water quality. Because the biological resources of barrier island-estuary systems such as the Hutchinson Island-Indian River complex are extremely sensitive to development, local and regional planning agencies

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should give careful consideration to these aspects in establishing guidelines for development on Hutchinson Island.

A hydrographic survey will not be required. The information provided with this application is incomplete in that it does not show the mean high water line along the Indian River shoreline. The application, however, states that the artificial lake system is not to be connected to the Indian River. If the proposed waterways were isolated from the Indian River, the project would not have significantly adverse effects on the Indian River.

Game and Fresh Water Fish Commission - The applicant's revised project plan modifies the original proposal by reducing the depth of the interconnecting series of lakes from a maximum of 20 feet to 8 feet, and cancels the proposal for linking these lakes with the Indian River via highway culverts. These modifications do not alter our position as stated in our letter of July 11, 1973. We do not feel that this project is in the best interest of preserving valuable wildlife habitat.

Department of Pollution Control - January 4, 1974: The Department of Pollution Control has the following comments for the project:

1. The reduction of the proposed depth to 8 feet will not exert as much stress on the water quality as the depth previously proposed.
2. The project will provide a closed-loop system between the East and West impoundment areas with no direct discharge to the Indian River System. The developer proposes to operate a pumping system to maintain circulation within the closed loop. The system will be operated closed-loop until sufficient data to support water quality equivalent to, or better than, the ambient Indian River. At a future time, an evaluation may be considered for the interconnection with the adjacent body of water.
3. Reforestation of waterway edges is assumed in the review of the project.
4. Monitoring of water quality as appropriate for Class III waters.

Based upon the review of this project, this Department has no further objection to the proposed project for dredge and fill or storm water disposal. However, disposal of domestic waste is still in question and will be reviewed separately.

Further action will be taken pending notification of approval by the Trustees.

February 1, 1974: The Department of Pollution Control has reviewed the subject project, subsequent revisions and stipulations as agreed to by applicant in December, 1973 and acknowledged on December 21, 1973 by the Department of Natural Resources. This agency offers no objections to the project revisions. However, disposal of domestic waste is still in question and will be reviewed separately.

OTHERS: The Board of County Commissioners, St. Lucie County, approved the site development plan at a regular meeting on February 5, 1974.

Staff recommends that:

1. Area west of AIA as illustrated on attached exhibit be dedicated in perpetuity as a conservation or wilderness area not subject to any improvements or alterations by man, legal description to be based upon a survey or agreed boundary drawn upon aerial photograph and courses and distances described as near as may be by photogrammetric techniques. This is based upon an agreed boundary with respect to this project only, and

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shall not affect the applicant's riparian rights which attach to the upland.

2. No dredging or filling will be performed in the area shown on the attached aerial, and included in the application, adjacent to Pete Stone's Creek other than filling for building pad sites and dredging to connect canoe trails, the spoil from which may be used for permitted fill purposes. In areas where dredging or filling is allowed, efforts shall be made to minimize damage to healthy mangroves forming the fringes of existing or proposed open water. The location of site pads and canoe trails shall be staked out for inspection by a Trustees' representative and no construction shall commence until his report has been submitted and reviewed and consent to the location has been received by the applicant.

3. Compliance with the conditions of the permit shall not be construed as committing either the applicant or the state to any type of admission against interest and shall not preclude either the applicant or the state from raising issues relating to jurisdiction or ownership in an appropriate forum should it become necessary to resolve such issues in the future, with respect to areas both east and west of AIA in the vicinity of the permitted project other than those covered by the instant permit application.

4. Efforts shall be made to cooperate with the Bureau of Entomology of the Division of Health, or similar responsible agency, to make available the impoundments west of AIA for mosquito control research for a reasonable period of time to be agreed upon by the applicant and the agencies involved.

ACTION OF THE TRUSTEES:

Mr. Stone made a motion, seconded by Mr. Dickinson, to approve the application subject to the stipulations recommended by the staff.

Mr. Kuperberg explained that the staff had questioned whether the land known as Bear Point Cove, projecting from the Atlantic Ocean side into the Indian River area, might be below mean high water and whether the Trustees had been precluded from exercising jurisdiction because of the construction of highway AIA for which right of way severing the land from the river was acquired through condemnation from private property owners. Mr. Hopping had provided extensive information for each member, the project had been modified to minimize the impact on the mangrove environment on the east side of the highway and the applicant would dedicate in perpetuity an area on the river side to wilderness and conservation purposes. On this basis, the staff recommended the settlement.

The Attorney General suggested advertising the proposed settlement for objections. Mr. Hopping responded that there was an advertisement and public hearing prior to the Board of County Commissioners' approval of the plan, the Trustees normally did not advertise this kind of case, the project would be delayed and applicant took the position he had acquired title to the property clear and unequivocally.

Governor Askew commented that ownership obviously was a legal question, that the state evidently had recognized ownership in a prior condemnation suit, and advertisement might give the people in the area opportunity to react to the proposal recommended by the staff.

The previous motion was withdrawn and on motion by Mr. Shevin, seconded by Mr. Stone and passed without objection, the application was deferred until the next meeting and the staff directed to advertise the proposed settlement for objections.

Mr. Ken Oertel, Trustees' chief counsel, pointed out that the staff did not necessarily agree with some legal conclusions drawn by Mr. Hopping, that the proposal was a policy determination by the staff in return for considerations offered by the applicant.

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DADE COUNTY - Construction and Fill Permit No. 13-39-1196
(Revised December 20, 1973)

APPLICANT: Biscayne Bay Development Corporation
c/o Milton B. Garris, Jr.
622 Southwest 27 Avenue, Miami, Florida 33134

PROJECT: To construct 400 feet of vertical concrete seawall with riprap placed on the waterward side and to fill submerged lands behind the seawall to a +7.5 feet mean high water using 1,166 cubic yards of material obtained from uplands; to install three 24-inch storm drain outfalls through the proposed seawall.

LOCATION: Section 30, Township 53 South, Range 42 East, Biscayne Bay, City of Miami, Dade County, not in an aquatic preserve.

MATERIAL: 1,166 cubic yards of fill to be used which will be obtained from uplands.

PAYMENT: Not required.

ECOLOGICAL RESPONSES:

Department of Natural Resources - Survey and Management - January 29, 1974: The revised plans include riprap as requested in our original report. This is the only aspect of this revision which responds to our earlier request for a more conservative design.

November 1, 1973: The proposed vertical bulkhead would create a right angle discontinuity in the shoreline that would extend out approximately 40 feet waterward of adjacent bulkheads to the south. The proposal would be far more conservative if it utilized riprap and ran in a line from the existing bulkhead on the south to the existing bulkhead on the north. Riprap affords protective habitat for many marine organisms and dissipates wave energy more effectively than vertical bulkheads.

The installation of the three storm drain outfalls should not have immediate adverse effects on marine biological resources. However, the drains can be expected to accelerate the introduction of urban runoff pollutants into the marine ecosystem of Biscayne Bay. The applicant should work closely with agencies concerned specifically with water quality to arrive at a plan that will minimize further degradation of Biscayne Bay.

Bureau of Beaches and Shores - A hydrographic survey will not be required. The proposed seawall would create a discontinuity in the shoreline not only because of its alignment but also because of the proposed use of exposed vertical walls. It is recommended that the alignment be modified to more closely conform to the existing shoreline and that a sloping structure, such as rubble placed on an appropriate filter bedding, be used. If soil or load conditions necessitate a concrete wall, it is recommended that rubble be placed at the exposed face of the wall.

Game and Fresh Water Fish Commission - Our environmental Section has reviewed this permit application and offers no objections to its issuance.

Department of Pollution Control - Has reviewed the subject revised project and recommends approval with the stipulation that all the filling be done after the bulkhead is constructed or behind a turbidity control device. Certification will be issued upon notification of the Trustees' approval.

NOTE: 1. Applicant has submitted project sketches that adhere to state environmental agencies' recommendations for seawall alignment and elimination of storm sewer outfalls.

2. The City Planning and Zoning Board of the City of Miami

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at its meeting held on March 26, 1973, passed and adopted Resolution No. 73-17 approving subject project.

3. Department of Public Works, City of Miami, letter dated December 18, 1973, requires the developers to extend the bulkhead southerly from the north property line of Northeast 35th Street to the South property line and fill behind the proposed seawall.

Staff recommends the construction and fill permit be issued with the stipulation that all the filling be done after the bulkhead is constructed or behind a turbidity control device.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the comment in the November 1, 1973, report by the Department of Natural Resources was a misunderstanding as this bulkhead would be in line with seawalls at either end with no right angle in the shoreline.

Motion was made by Mr. Stone, seconded by Mr. Dickinson, to approve the staff recommendation. Mr. Shevin voted "No" but withdrew this and voted in the affirmative after the Director explained that this was actually a case of restoration of lands lost through artificially induced erosion, an application under Section 253.124(8). Without objection, the motion to approve the permit passed.

Motion was made by Mr. Stone, seconded by Mr. Shevin, and passed with Mr. O'Malley voting "No", to waive the rules and consider the following additional items not on the original printed agenda.

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MONROE COUNTY - Dredge and Construction Permit No. 253.123-764
and #253.123-173
(Revised January 11, 1974)

APPLICANT: Ocean Reef Shores, Inc.
c/o Joseph C. Jacobs
Post Office Box 1170, Tallahassee, Florida 32302

PROJECT: To dredge 8900 cubic yards of material from a proposed navigation channel 1000 feet long x 60 feet wide, and to a -5 feet mean low water and dredge an upland navigation channel 400 feet long x 50 feet wide, and to a -5 feet mean high tide, to connect existing upland canal system for navigable access, with the spoil to be placed on the uplands. Construct 600 feet of boulder riprap along the existing mean high tide line.

LOCATION: Section 29, Township 60 South, Range 40 East, North Key Largo, Atlantic Ocean, Monroe County, not in an aquatic preserve.

MATERIAL: 4,100 cubic yards of material to be dredged from state-owned submerged land and 4,800 cubic yards to be dredged from owner's upland.

PAYMENT: \$6,150 required as payment for 4,100 cubic yards of material to be removed from state-owned submerged lands.

STAFF REMARKS: Field Operations Division recommends denial of the application. This item was placed on the February 19, agenda at the request of the Secretary of State. It was deferred at the request of the attorney for the applicant. Staff erred in not placing this item on the regular agenda of this date.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The two existing canals are box-cut approximately 1,000 feet long and have an average depth in excess of -25 feet. The canals are joined at the western ends by a circulation canal similar to the long canals. The proposed connection canal at the east end of

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the project will be dredged to -5 feet in a previously filled section; its construction should not have additional adverse effects on marine biological resources.

The proposed access channel will cut through shallow rocky bottoms that extend out from the existing limit of fill. (Red mangroves mentioned in a report in June, 1971 no longer exist.) The submerged bottoms have not significantly changed since our June, 1971 report except that the turtle grass vegetates only pockets of deeper sediments and does not blanket the entire bottom.

Dredging an access channel 60 feet wide, 5 feet deep, and from 1,800 to 3,300 feet long will have definite direct adverse effects on marine biota of the immediate area. The proposed depth is fairly conservative and can be expected to eventually become revegetated and repopulated. However, the excessive depth of the upland canal system may lead to water degradation which, in turn, may preclude significant recovery of the area.

One other factor must be considered: the proposed work lies within the boundaries of Coral Reef State Park. It has been documented that excessive turbidity and sedimentation damage can destroy reef building corals. At present there are indications that the reef corals of the park are under stress. (A study on this subject has been completed but not published.) This project will, in all probability, place additional stress on the reef. (Reef building corals recover very slowly if at all after sedimentation damage.)

Bureau of Beaches and Shores - A hydrographic survey will not be required. Revised plans show substantial improvement from original plans in that breakwater has been eliminated.

Game and Fresh Water Fish Commission - Reference is made to our letter of August 24, 1971, in which we emphasized the difficulty of a meaningful biological assessment of the intertidal resources due to alterations which had taken place, and our agency's desire to refrain from providing official sanction to an unauthorized operation. We still maintain this position which reference to this project. In addition, the revisions presently proposed would result in further adverse alterations to the marine resources in at least the two following ways:

1. The proposed connection of these canals to the open waters of the state could easily result in water quality degradation with its accompanying biological ramifications. The close proximity of this project to the already heavily stressed coral reefs of the John Penn-ekamp State Park greatly magnify the need to avoid any further degradation of water quality in this area.
2. The dredging of the access channel will cause a significant loss of productive marine grasses which are important to the welfare of many types of marine life and dependent shore and wading birds.

In summary, it is the belief of the Florida Game and Fresh Water Fish Commission that both past and proposed alterations will contribute greatly to the unnecessary destruction of valuable wild-life resources. In the interest of preserving valuable marine habitat and productive biological communities, our agency requests that no permit be issued for this project revision.

Department of Pollution Control - In response to your request for certification in accordance with Public Law 92-500, this Department has conducted a detail inspection of the subject project. As a result of this inspection, it is expected that local water quality will be degraded as a result of connecting the navigation channel to the canal system. The connection of approximately 6000 feet of additional artificial or unnatural water frontage will result in the introduction into these waterways of quantities of fertilizer, pesticides, oils and greases, organic debris, coliform bacteria and various toxic and deleterious substances through surface runoff, wind action or human actions. These substances are likely to become trapped in the artificial

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waterways and due to the extreme depth of the canals (-25 feet) the formation of an extensive layer of water with a reduced dissolved oxygen content may also be expected.

The two canals, as shown on the project application, are existing with an approximate length of 1200-1500 feet with an average depth of 25 feet. Depth soundings were taken at approximately 100-foot intervals throughout the entire canal system from a boat. The water clarity was poor. The visibility was approximately 2-3 feet. Algal growth was restricted to a depth of 5-7 feet. A pronounced thermocline was encountered at a 5-6 foot depth.

The project application indicates that the navigational access channel will be dredged out to a depth of 5 feet at mean low water. The ocean bottom in the area is gentle sloping and shallow; therefore, the depth of 5 feet at mean low water would be obtained by dredging at approximately 2,000 feet offshore.

Dredging a distance of 2,000 feet could create siltation which would deleteriously affect the surrounding aquatic ecosystem and affect water quality.

Based on the above, it is the recommendation of the Staff of the Department of Pollution Control to the Board of the Department of Pollution Control that the request for certification in accordance with Public Law 92-500, be denied as it is expected that local water quality will be degraded as a result of the project.

By copy of this letter, we are advising the Board of the above recommendation for denial. If you wish to have this recommendation of denial reviewed, you must submit a request for a hearing to the Department.

Staff recommends denial of the dredge permit.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Shevin, to accept the denial recommendation.

Mr. Joe Jacobs, applicant's attorney, argued that this application originally filed on April 12, 1971, represented a very small portion of the shoreline, rules had been changed to his client's detriment, language of the environmental comments was indefinite, and the access channel was only 600 feet long to avoid damage to the reef.

Representative Fred Tittle, appearing on behalf of Mr. Charles Valois, the applicant and one of his constituents, had become aware of the problem a year ago and recommended that this citizen be granted some consideration, that a policy decision be made to show that the state can make an enlightened, necessary transition without damaging some of its citizens, referring to work Mr. Valois had done on his upland property before passage of the policy to discourage construction of canal systems. He asked for consideration of the equities, pointing out that only an extremely small portion of the Key Largo shoreline would ever be developed. The Governor responded that the Board tried to balance the equities of people caught in changing times, depending upon the situation.

Mr. Kuperberg said each case was consistently reviewed and decisions based, in part, on the environmental impact, which was no basic policy change. Explaining questions raised as to whether the project was in the Coral Reef State Park, he advised that it was not within the original boundary, but the boundary had been changed to the mean high water line of Key Largo, more than three years ago.

Noting that the least environmental damage would occur if the permit were denied, Mr. O'Malley said that might entail some injustice to this applicant in view of the work already done before the policy change and additional studies might be needed to try to find some way to resolve this problem.

Withdrawing his original motion, Mr. O'Malley made a substitute motion for continuance for one month. Mr. Dickinson seconded

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the substitute motion that passed without objection.

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BREVARD COUNTY - Extension of Dredge and Fill Permit
253.123-543 and #253.124-124
(March 5, 1973)

APPLICANT: Oakland Consolidated Corporation
c/o J. Lewis Hall, Jr.
Post Office Drawer 840, Tallahassee, Florida 32302

PROJECT: To extend the dredge and fill permit issued by the Board of Trustees on March 17, 1970, (extended 6 months on March 20, 1973, 3 months on September 18, 1973, and for 3 months on January 3, 1974) until comments have been received from the state environmental agencies) to dredge a 50-foot wide by 2500-foot long navigation channel to -5 foot depth and dredge and fill 39.15 acres of submerged lands.

LOCATION: Government Lot 6, Section 31, Township 34 South, Range 37 East, Newfound Harbor, Brevard County, not in an aquatic preserve.

MATERIAL: All dredging except navigation access channel to be done on applicant-owned submerged lands.

PAYMENT: Not applicable.

STAFF REMARKS: January 11, 1974: Field Operations Division recommends that the application for extension be disapproved.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - January 14, 1974: Comments provided by this office on April 10, 1972, still apply.

April 10, 1972: To best conserve marine biological resources the proposed development should be limited to that area within the existing dikes and the shoreline mangroves. The shallow bottoms should be conserved. To conserve bottom habitat, the proposed channel should be limited to less than 1,000 feet. This length would enable access to water 4 feet deep which should be sufficient as no central navigation channels exist in Newfound Harbor and water deeper than 4 feet is limited. Water quality problems might reasonably be anticipated in at least the two longer canals in this revised project.

Game and Fresh Water Fish Commission - December 6, 1973: We have objected to the original proposal (our letters of April 19, 1971, and May 23, 1972) based on the biological damage that would result. In order to protect the marine and wildlife resources of this area, we must maintain our objections to this proposal and to any extension of current permits.

Department of Pollution Control - February 26, 1974: This Department objects to the proposed permit extension with revisions (dated January 17, 1972) and does not intend to issue water quality certification for the project. As proposed, the project will result in degradation of quality of State Class III waters and will be detrimental to maintenance of well balanced fish and wildlife populations in Newfound Harbor, a segment of the Banana River. We will be happy to meet with the applicant and discuss the numerous problems associated with the present application. Some of the more significant water quality problems are listed below:

1. Extensive dredging and filling of shallow bottoms in Newfound Harbor.
2. Extensive channel dredging in the Harbor.
3. Construction of dead-end canal systems.

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4. Construction of vertical bulkheads and control of surface water drainage in the area.

NOTES: The Board of Trustees in meeting on March 17, 1970, authorized issuance of Permit 253.123-543 and 253.124-124 in accordance with settlement of pending litigation recommended by Trustees' general counsel and the Assistant Attorney General.

The applicant is still in negotiation to obtain a Corps of Engineers permit which as of September 12 remained unresolved.

On September 11, 1973, the applicant's attorney advised the staff that the applicant wished the item placed on the September 18, 1973, agenda in its present form. A review of the file indicated that up-to-date state environmental agencies' comments would be required before the Trustees' staff could submit a recommendation.

OTHERS: The Board of County Commissioners, Brevard County, on December 20, 1973 unanimously voted opposition to a request for permit extension to dredge and fill in the Newfound Harbor area of Brevard County.

Staff recommends the request for extension be denied.

ACTION OF THE TRUSTEES:

Reviewing this case, Mr. Kuperberg said this project was permitted by the Trustees as a result of a court order. The Corps of Engineers would not issue a corresponding permit, the original permit expired and at that point, the project appeared to be subject to major revisions that might be acceptable to the Army Corps of Engineers and ultimately permitted. The Trustees extended for six months, then for 60 days, then for another 60 days, waiting for the project to be revised and for comments to come in. Those comments came in and are adverse. Therefore, the staff recommended against further extension of the permit and the applicant had been notified of the denial recommendation on the agenda.

On motion by Mr. O'Malley, seconded by Mr. Shevin and passed without objection, the staff recommendation was accepted and the permit extension denied.

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ST. LUCIE COUNTY - Dredge and Construction Permit No. 56-39-1791
(Revised January 16, 1974)

This item is being placed on the agenda at the request of the Secretary of State.

APPLICANT: Ft. Pierce Port and Airport Authority
c/o Florida Coastal Engineers
125 West Church Street, Jacksonville, Florida 32202

PROJECT: To dredge 65,000 cubic yards of material for a proposed upland boat basin, 2,000 feet long by 250 feet wide to -5 feet mean low water with two access channels, 100 feet long by 100 feet wide and 300 feet long by 100 feet wide to -5 feet mean low water; to construct 1,600 feet of vertical concrete seawall with riprap placed at the toe and 1,600 feet of a rubble mound breakwater parallel to the shoreline.

LOCATION: Section 2, Township 35 South, Range 40 East, Fort Pierce Inlet, Causeway Island, St. Lucie County, not in an aquatic preserve.

MATERIAL: 65,000 cubic yards to be dredged (62,967 cubic yards from uplands and 2,033 cubic yards from state-owned submerged lands) and deposited on an upland diked spoil area.

PAYMENT: Applicant requests waiver of fees for payment of material removed from state-owned submerged lands.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - February

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25, 1974: We reviewed a preliminary proposal of this project in August, 1973 (report dated October 11, 1973, attached). In this report, we recommended against dredging vegetated bottoms in the subject area. While the current proposal to construct a rubble breakwater on unvegetated sand bottoms should not significantly affect marine biological resources, the proposed dredging to construct a basin and install a seawall would eliminate moderately vegetated bottoms, thereby having significant adverse effects on marine biological resources. Bureau of Beaches and Shores: A hydrographic survey will not be required. The design study for this project includes consideration of the flow characteristics of the area. The proposed breakwater has been aligned so as to maintain flow through circulation within the marina. It is improbable that this project would have significantly adverse hydrographic effects.

October 11, 1973: The proposed marina facilities should be designed to conserve the vegetated bottoms in a biologically productive condition. Dredging would eliminate productive vegetated bottoms and should be deleted or minimized in the recreational development plans. The subject shoreline consists of unvegetated sand bottoms exposed to wakes from yachts and other large vessels using the Inlet Channel. The placement of a rubble revetment along the existing shoreline would eliminate erosion and minimize scour from wave energy while it would provide habitat for aquatic organisms.

Approximately 150 to 200 feet offshore shoaling and shifting bottoms appear to preclude vegetation growth and are encroaching on existing growth. A breakwater in this area should not detract from the biological production in the area provided water movement isn't restricted too much (tidal flow is parallel to shore). Dredging should at most be limited to maintenance of the existing channel. Additional boat ramps would be less damaging to biological resources than the proposed docking facilities.

Game and Fresh Water Fish Commission - The proposed depth of 5 feet should allow relatively rapid revegetation of the bottom and the riprap seawall and breakwater should enhance the productivity of the area by providing additional habitat. In addition, the breakwater is designed such that a sufficient flow should be realized in the marina. This project as proposed should have no significant adverse biological impact on the area. Therefore, our agency offers no objections to its implementation.

Department of Pollution Control - This office has no objection to certification of this proposed public project, however, sufficient upland should be set aside for an upland spoil area for any future maintenance dredging, and appropriate abatement containment equipment shall be available at any public fuel facility to contain any inadvertent spillage. Monitoring during construction should be sufficient to ensure maintenance of Class III water standards.

The water quality certification will be issued pending favorable outcome of the public review process and pending approval of the project by the Trustees.

OTHERS: By applicant's request, local approval for the project has been obtained, as the Fort Pierce Port and Airport Authority is the local governing agency.

Staff recommends that the dredge and construction permit be issued with the stipulations: (1) sufficient upland be set aside for an upland spoil area for any future maintenance dredging, (2) appropriate abatement/containment equipment shall be available at any public fuel facility to contain any inadvertent spillage. Staff further recommends that the fee for dredged material be waived as the spoil will be used for public purposes, (3) Division of State Planning to determine if the project is a Development of Regional Impact.

ACTION OF THE TRUSTEES:

Motion was made by Mr. O'Malley, seconded by Mr. Dickinson, to accept the staff recommendation for approval with two stipulations as set forth on the agenda.

Mr. Shevin made an amended motion to add as a third stipulation that the Division of State Planning review the application to determine whether the project is a Development of Regional Impact.

Present on this date were Mr. George Price, County Commissioner, Mr. Harry Colson, Consultant, and Mr. Weldon Lewis, Director of Fort Pierce Port and Airport Authority. Mr. Lewis advised that the project was a marine recreational facility on property owned by the Port Authority adjoining the ship inlet. He did not object to the Department of Administration reviewing the matter and was assured that no appreciable delay to the project was anticipated.

The amended motion passed without objection.

An emergency problem at Miami Beach was called to the attention of the Board. Staff requested authority for issuance of temporary permit for removing to the Interama site small stone material that had formed a secondary beach front oceanward of the beach within the city limits, and was presently being stockpiled adjacent to the beach area. The city wishes to restore the original sand contour beach front line. Also, the Board may issue an emergency temporary permit for erection of the fence to keep the material from drifting further downstream. Staff had been in touch with the city engineer, the Army Corps of Engineers, and further information was expected from Mr. Franklin of Interama.

In the event action is required before the next regular meeting, the staff was granted authority on motion by Mr. Dickinson, seconded by Mr. Shevin and passed without objection.

As this meeting had been long, the time was late, and several members had to leave for other appointments, there remained only Secretary of State Stone, acting as chairman, Comptroller Dickinson and Attorney General Shevin - not a quorum.

Present and requesting to be heard were Mr. William J. Roberts, attorney for Ocean Reef Club, and Mr. J. Elliott Messer, attorney for Clarence H. Gifford, with reference to a matter considered by the Trustees on December 4, 1973.

In the event negotiations between property owners in the snapper Point and Ocean Reef Club area, Monroe County, did not proceed to the satisfaction of the staff, the Board had authorized the Director to appoint a hearing officer. The Director explained that he had furnished each member a copy of a staff counsel opinion and needed some guidance in the matter.

Mr. Roberts expressed the opinion that this problem between two private property owners would not be settled except by going to court, and that there was no statute or administrative rule for the procedure of having a hearing examiner in this matter.

Mr. Shevin said legally that was correct, but the Board had voted for the hearing procedure at a prior meeting. Mr. Dickinson felt that the previous action could be rescinded if this was not an appropriate procedure.

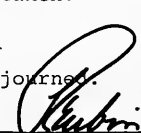

Mr. J. Elliott Messer explained that on this controversy as to whether or not a portion of the property is below the line of mean high water, involving the Ocean Reef project, there was some doubt on the part of the staff and in order not to forego rights vested in the public, the Board had decided to appoint a special master, an independent party, to take evidence and make a recommendation.

In the absence of a quorum, no action was taken.

On motion duly adopted, the meeting was adjourned.

ATTEST:


EXECUTIVE DIRECTOR

 
GOVERNOR - CHAIRMAN

March 4, 1974

Tallahassee, Florida
March 19, 1974

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Haydon Burns Building with the following members present:

Reubin O'D. Askew	Governor
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg	Executive Director
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On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, this matter was taken up out of order.

-26-

BROWARD AND PALM BEACH COUNTIES - Seminole Indian Lands

SUBJECT: Transfer of Seminole Indian Lands in Broward and Palm Beach Counties to the United States in trust for the perpetual use and benefit of the Seminole Tribe of Florida, as authorized by Section 285.061, Florida Statutes

LOCATION:	<u>Sections</u>	<u>Township</u>	<u>Range</u>	<u>County</u>
	1,2,3,4,5,6	48 South	35 East	Palm Beach
	Part 7 West of Miami Canal, 18,19,20,29,30, 31,32	48 South	36 East	Broward
	7,8,9,10,11,12, 13,14,15,16,17, 18,19,20,21,22, 23,24,25,26,27, 28,29,30,31,32, 33,34,35,36.....	48 South	35 East	Broward

APPLICANT: The Seminole Tribe of Florida, represented by Howard E. Tommie, Chairman, and by Osley Saunooke, Director, Governor's Council on Indian Affairs

FACTS: On January 8, 1965, the Seminole Tribe adopted a resolution requesting that the state convey the Seminole Indian Lands to the United States for the perpetual use and benefit of the Seminole Tribe. In the legislative session of that year the legislature authorized such transfer at the discretion of the Trustee of such Indian Lands.

On November 16, 1973, the Seminole Tribe by resolution to the Trustees of the Internal Improvement Trust Fund renewed their request of 1965. The United States, acting through the office of the Secretary of the Interior, has indicated its willingness to accept the Trusteeship.

RECOMMENDATION: Staff recommends transfer of the described lands in Trust to the United States for the perpetual use and benefit of the Seminole Tribe of Florida, inasmuch as the Seminole Tribe is convinced that the United States has developed a laudable, nationally proven program for the betterment of the Indian people on their reservation lands, and has for some time been pressing for such action.

ACTION OF THE TRUSTEES:

Those present on this date representing the Seminole Tribe included Tribal Chairman Howard E. Tommie, President Fred Smith,

March 19, 1974

Mike Tiger, Tribal Human Resources Director, Attorney A. J. Ryan, Martin Wall, Economic Development Administration Planner, Executive Director Ousley Saunook of the Governor's Council on Indian Affairs, and Duane Moxon of the Bureau of Indian Affairs, United States Department of the Interior.

Motion was made by Mr. O'Malley, seconded by Mr. Dickinson, to grant the request of the Seminole Tribe and approve transfer of the land in Trust to the United States for the perpetual use and benefit of the Seminole Tribe of Florida. The motion passed unanimously.

The Board directed Mr. Kuperberg to hold the deed of transfer, executed on this date by all the Trustees present, until the Secretary of State's signature was also affixed.

Mr. Howard Tommie speaking on behalf of the Seminole Tribe, expressed appreciation of the action of the Trustees, adding that they had researched the history of the United States and found that this type of action was the first time. He thanked the State of Florida.

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On motion duly adopted, the Board approved the minutes of February 19, 1974, as submitted.

-2-

COLLIER COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Tribal Oil Company
Lafayette, Louisiana

REQUEST: Consideration of sealed bids for an oil and gas drilling lease

LOCATION: Section 16, Township 46 South, Range 28 East, containing 640 surface acres in Collier County.

INTEREST
OF STATE: Board of Education holds an undivided one-half interest, 320 net mineral acres, in all petroleum and petroleum products in this privately-owned section as a result of Board of Education Deed No. 4385 dated March 8, 1951.

All proceeds from the proposed lease will go to the School Fund. On December 18, 1973, the Board authorized advertising a five-year oil and gas drilling lease for sealed bids. The lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/8 royalty and at least one test well every 2½ years drilled to a depth of 6,000 feet or through the Sunniland Formation, whichever is deeper. A special provision is included in the lease requiring the lessee to present a satisfactory plan of exploration to the Big Cypress Advisory Committee if oil is discovered in a well to the north. This was the recommendation of the Committee because the land is in an area that appears to be a portion of the Corkscrew Swamp.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and Naples Daily News with bids to be opened at 10:00 a.m. (DST) on March 5, 1974, for consideration by the Trustees. The right to reject any or all bids is reserved.

As the Cabinet meeting was held on March 4, 1974, the sealed bids received were held, to be opened and considered at a public meeting pursuant to Section 253.54.

Staff recommends consideration of bids.

ACTION OF THE TRUSTEES:

Mr. James T. Williams reported that one bid had been received for this lease, readvertised after bids were rejected in December.

March 19, 1974

Tribal Oil Company of Lafayette, Louisiana, offered total consideration of \$9,920.00, that included \$320 first year's annual rental and represented a bonus bid of \$30 per net mineral area.

Noting that this bonus bid was almost double the amount offered in December, Mr. Christian made a motion, seconded by Mr. Shevin, that the bid of Tribal Oil Company be accepted. Without objection the motion passed and the Trustees authorized awarding of the oil and gas lease to the bidder.

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PALM BEACH AND HENDRY COUNTIES - Consideration of Oil and Gas Lease Bids

APPLICATION: Shell Oil Company
New Orleans, Louisiana

REQUEST: Consideration of sealed bids for an oil and gas drilling lease.

LOCATION: All of Section 36, Township 45 South, Range 34 East, 644 acres; 480 acres in Section 1 and 600 acres in Section 13, Township 46 South, Range 34 East, Hendry County.
All of Section 31, Township 45 South, Range 35 East, 640.08 acres, 480 acres in Section 5; all of Sections 7 & 19, 128 acres; 520 acres in Section 17; 540 acres in Section 21; all of Section 28, 640 acres; and 570 acres in Section 29, Township 46 South, Range 35 East, Palm Beach County.
These lands lie approximately 12 miles south of Lake Okeechobee and 1 mile west of Miami Canal in an area utilized for agriculture purposes.

INTEREST OF STATE: The State of Florida holds an undivided one-half interest in all petroleum and petroleum products in 3,480.08 acres of this land as a result of Murphy Act Deeds 2014, 2636, 2915-J, 2918-J, 2919-J, Palm Beach County, and Deeds 82 and 108, Hendry County.
The Board of Trustees holds an undivided one-half interest in all petroleum and petroleum products in 644 acres of this land as a result of Trustees Deed 19751, and the Board of Trustees holds a full interest in the petroleum and petroleum products in 2,270 acres of this land.
The total surface acreage of the area requested for lease is 6,394.08 acres with a net mineral acre total of 4,332.04. All proceeds from the proposed lease will go to General Revenue unallocated and the Trustees' Trust Fund as the interest of each appears.

On December 4, 1973, the Board of Trustees authorized advertising a five-year oil and gas drilling lease for sealed bids. The lease requires an annual rental of \$1.00 per net mineral acre, \$50,000 surety bond, 1/8 royalty and at least one test well every 2½ years drilled to a depth of 6,000 feet or to a depth sufficient to test the Sunniland Formation, whichever is deeper.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat, West Palm Beach Post and Clewiston News with bids to be opened at 10:00 a.m. (DST) on March 5, 1974, for consideration by the Trustees. The right to reject any or all bids is reserved.

As the Cabinet meeting was held on March 4, 1974, the sealed bids received were held, to be opened and considered at a public meeting pursuant to Section 253.54.

Staff recommends consideration of bids.

March 19, 1974

ACTION OF THE TRUSTEES:

Mr. James T. Williams reported that the following two bids had been received:

Shell Oil Company of New Orleans, Louisiana, offered total consideration of \$91,882.57, representing a bonus bid per acre of \$20.21.

Walter W. Manley of Lakeland, Florida, offered total consideration of \$130,025.75 representing a bonus bid of \$29.01 per net mineral acre.

On motion by Mr. Christian, seconded by Mr. Conner and adopted without objection, the Trustees accepted the high bid and awarded oil and gas lease to Walter W. Manley.

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SANTA ROSA COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Texas Gas Exploration Company
Houston, Texas

REQUEST: Consideration of sealed bids for an oil and gas drilling lease.

LOCATION: 2,120 surface acres, more or less, in Sections 5, 6, 7 and 8, Township 3 North, Range 26 West, Santa Rosa County, being a part of the Blackwater River State Forest.

INTEREST
OF STATE: The Board of Trustees holds title to the fee with a $\frac{1}{4}$ undivided interest in the petroleum and petroleum products. The petroleum interest advertised for lease totals 530 net mineral acres. The United States owns the remaining $\frac{3}{4}$ interest in the minerals.

All proceeds from the proposed lease will go to the Department of Agriculture and Consumer Services.

On December 4, 1973, the Board of Trustees authorized advertising a five-year oil and gas drilling lease for sealed bids. The lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, $\frac{1}{6}$ royalty and at least one test well every 2½ years drilled to a depth of 6,000 feet or to a depth sufficient to test the Norphlet Sands, whichever is deeper.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and Milton Press Gazette with bids to be opened at 10:00 a.m. (DST) on March 5, 1974, for consideration by the Trustees. The right to reject any or all bids is reserved.

As the Cabinet meeting was held on March 4, 1974, the sealed bids received were held to be opened and considered at a public meeting pursuant to Section 253.54.

Staff recommends consideration of bids.

ACTION OF THE TRUSTEES:

Mr. James T. Williams reported that one bid was received, from The Rutherford Partnership and Texas Gas Exploration Corporation, a Louisiana corporation, offering total consideration of \$60,530, representing a bonus bid per acre of \$113.20.

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees accepted the bid and awarded oil and gas lease to the bidder.

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PALM BEACH COUNTY - Seismic Survey Permit
(January 17 and February 15, 1974)

March 19, 1974

APPLICANT: Shell Oil Company
Post Office Box 1411, Arcadia, Florida

REQUEST: Permission to conduct a seismic survey across
state-owned land

LOCATION: A line running across Sections 1, 12 and 13,
Township 42 South, Range 38 East, Sections 5 and 6,
Township 43 South, Range 37 East, and Sections
3, 4 and 5, Township 43 South, Range 39 East,
Palm Beach County.

The Game and Fresh Water Fish Commission and Central and Southern Florida Flood Control District have no objections to the survey.

The Department of Natural Resources, Division of Interior Resources, has no objection provided the applicant plugs any holes that are drilled with customary conetype plug devices set three to four feet below ground surface with cement placed on top.

The Division of Corrections, Department of Health and Rehabilitative Services, user of Sections 3 and 4, Township 43 South, Range 39 East, has approved the survey across these sections of land.

Pahokee Farms, Inc., holder of Agriculture Lease No. 1436 covering Sections 5 and 6, Township 43 South, Range 37 East, has approved the survey across these sections of land.

U.S. Sugar Corporation, holder of Grazing lease No. 2004 covering Section 5, Township 43 South, Range 39 East, has approved the survey across this section of land.

Mr. Eduardo R. Pajon, representing Hatton Bros., Inc., Florida Atlantic Land Corp., New Hope Sugar Co., and Trucane Sugar Corp., lessees of Agriculture Lease No. 1447 covering Sections 1, 12 and 13, Township 42 South, Range 38 East, has approved the survey across these sections of land.

Staff recommends granting Shell Oil Company permission to conduct its seismic survey across these state lands subject to the condition that all holes drilled are plugged in the manner approved by the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees granted permission for the seismic survey subject to the stipulation that all drilled holes be plugged as recommended by the Department of Natural Resources.

-6-

BAY COUNTY - Annexation of Land

APPLICANT: Division of Corrections
Department of Health and Rehabilitative Services

REQUEST: Request City of Panama City to annex a parcel of
state-owned land in order to secure city water
supply.

LOCATION: Panama City Correctional Center, located in lots
40 and 41, that portion of Lots 39 and 42 lying
westerly of State Road 390 and that portion of
Lots 56 and 57 lying westerly of a public road
extending between Lynn Haven and St. Andrews
in the subdivision of St. Andrews Development Company
in Section 20, Township 3 South, Range 14 West,
Bay County, containing 18.08 acres, more or less,
adjacent to the present corporate boundaries of
Panama City.

March 19, 1974

This state property is leased to the Department of Transportation and subleased to the Division of Corrections for use as a Correctional Center. The Center's present drinking water source is a deep well. Because the water quality has deteriorated, the Division of Health recommends securing water from another source. The City of Panama City has informally indicated it would annex this property and extend city water service to the facility. The city advises that under present city policy, the property must lie within the corporate limits in order to qualify for water service.

The Department of Transportation offers no objection to the annexation of the property.

Staff recommends authorizing the Executive Director to submit to the City of Panama City a request on behalf of the Trustees and the Departments of Transportation and Health and Rehabilitative Services that the property in question be annexed to and incorporated into the city limits of Panama City.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Executive Director was authorized to proceed as recommended to accomplish annexation of the land to the City of Panama City.

-7-

LEON COUNTY - Cable Television Easement Agreement Modification

This item was deferred on March 4, 1974.

APPLICANT: Clearview Cable-TV
Post Office Box 3122, Tallahassee, Florida

REQUEST: Easement for location of Cable-TV cables and facilities on the Florida A&M University campus to serve the new apartment complex under construction.

LOCATION: A portion of the Florida A&M University campus containing approximately 22 acres in Section 12, Township 1 South, Range 1 West, Leon County.

On May 15, 1973, the Trustees authorized issuance of an easement for Cable-TV purposes only with the understanding that charges for this Cable-TV service will be at a one-time installation charge of \$10 per apartment and monthly charge of \$2 per apartment, and that future charges for continued service will be at the above rate or at the lowest special student bulk rate provided to those complexes housing only students, whichever is lower.

Clearview Cable-TV and Florida A&M University have suggested several modifications to the easement agreement as authorized on May 15, 1973. These modifications are as follows:

1. Include a cancellation clause allowing either party to terminate the easement following six months written notice to the other party.
2. A service charge of \$2.50 plus cost of materials used with no service rendered or materials replaced except upon written request from the University to the Grantee.
3. A monthly charge of \$2.00 per apartment.
4. The Grantee shall have the right to increase or decrease the monthly charge, provided six-months notice must be given to the University and the Grantor in advance of any proposed change and the charge shall not exceed the lowest prevailing special student bulk rate provided to those complexes serviced by the Grantee housing only students.

Staff recommends that the above additions and modifications to the original authorization be approved and incorporated in the easement.

March 19, 1974

ACTION OF THE TRUSTEES:

In response to Mr. O'Malley's question regarding the service charge, it was explained that such charge would be made only when the University requested service.

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board approved the recommended additions and modifications being incorporated in the easement.

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COPYRIGHTS, TRADEMARKS AND PATENTS

On March 4, 1974 the Board of Regents approved an amendment to a contract between the Board of Regents, acting for and on behalf of Florida State University, and Control Data Corporation involving the purchase of certain additional equipment to develop computer based education programs.

In the event the university is successful in developing courseware and Control Data Corporation desires to use the courseware, the copyright will be held by the Board of Trustees under Sections 286.021 and 286.031, Florida Statutes, and royalties will be due and payable to the state.

Staff recommends ratification and confirmation of amended contract insofar as the interest of the Board of Trustees may appear in the future development of courseware.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board of Trustees ratified and confirmed the amended contract insofar as the interest of the Board may appear in the future development of courseware.

-9-

GLADES COUNTY - Application to Advertise, File 2365-22-253.36
(May 14, 1970)

This is on the agenda at the request of the State Comptroller.

STAFF

DESCRIPTION: A parcel of reclaimed lake bottom land in Lake Okeechobee abutting State Lot 2 in Section 13, Township 40 South, Range 32 East, 3.8 acres

- A. CITY AND COUNTY: Glades County
- B. APPLICANT: Henry F. Seels, et ux
Route 2, Box 100
Moore Haven, Florida 33471
- C. ACREAGE: (1) 3.8 acres
OFFER: (2) Appraised value
APPRAISAL: (3) To be requested
- D. PURPOSE: To acquire reclaimed lake bottom land between the 17-ft. (Lake Okeechobee datum) contour line and the levee right of way line
- E. BIOLOGICAL REPORT: Not applicable
- F. STAFF REMARKS: The parcel lies between uplands owned by the applicant and the rim canal and levee right of way line. The only access to the parcel is across the applicant's upland property.

On September 11, 1973, the Governing Board of the Central and Southern Florida Flood Control District authorized the District to recommend to the Trustees transfer of the 3.85 acres of reclaimed lake bottom land to Mr. and Mrs. Henry F. Seels, with appropriate hold and save clause for protection of the District for any liability due to flooding.

March 19, 1974

On August 3, 1970, Mrs. Seels presented the following statement: "There is nothing contrary to the public interest in honoring properly the deed given us by the State twenty-five years ago, when we first purchased our property. We have protected our area for conservation and wildlife, and is one of the few spots on Lake Okeechobee where men have not bull-dozed the ecology around.

"The strip of bottom-land which lies between the 17 ft. contour line and the right of way line allows us passage to get our boat from our natural pond into the rim canal. It is not contrary to the public interest for us to have our rightful access to the lake as our other neighbors, who are upland owners, already have theirs. It was the interest in the lake which brought my father here as a "squatter" in 1925.

"When the flood Control Board built the Hoover Levee in front of our property, we were all assured direct passage from our upland property back into the Lake.

"We did not purchase it sooner, due to the difficulties in locating an acceptable surveyor, and the problems of retirement. We were not in a position to keep it mowed of the jungle growth and weeds, as we are attempting to do now with our beautification program of establishing a new home.

"It is not (sic) contrary to the public interest that the home owners here in this area be deprived of their rights due to the errors of the widely known surveyor involved. His errors have been numerous."

The application was on the agenda for consideration on September 1 and October 27, 1970, and action was deferred.

Staff requests authority to advertise for objections only.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees authorized advertisement of the land for objections only.

Mr. Kuperberg advised that Mrs. Seels was present and wished to be heard.

Mrs. Seels thanked the Trustees for their approving action on this date, for which she and her husband had waited three years in regard to their application to acquire this parcel of reclaimed lake bottom land. She expressed appreciation to Comptroller Dickinson and others for their interest in finding out in detail and on-site the problems and delays, which she thought the average citizen needed to know.

-10-

FRANKLIN COUNTY - Marina License and Construction
Permit #19-30-1781
(September 20, 1973)

APPLICANT: City of Apalachicola
City Hall, Apalachicola, Florida 32320

PROJECT: To reconstruct a dock extension 696 feet long by 10 feet wide that was partially destroyed by Hurricane Agnes, covering approximately 6,960 square feet, more or less, of sovereignty land to be occupied by the dock.

LOCATION: Section 6, Township 9 South, Range 7 West, Apalachicola Bay, City of Apalachicola, Franklin County, in Apalachicola Bay Aquatic Preserve G-6.

MATERIAL: No dredging involved in project.

PAYMENT: Applicant requests waiver of annual fee for a Marina License.

March 19, 1974

STAFF REMARKS: The Trustees' Land Management Division has requested that the applicant submit a legal (metes and bounds) description of the area to be occupied by the facility.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed pier construction should not significantly affect aquatic biological resources provided siltation is controlled and all construction activity is kept out of the marsh and grass flat. Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this project and offers no objection to issuance of the permit.

Department of Pollution Control - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500. Any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such waters, as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida.

Staff recommends issuance of a marina license and construction permit and that the annual leasing fee be waived with the stipulation that the applicant submit a correct metes and bounds description of the area to be occupied by the facility.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the staff recommendation was approved.

-11A-

ESCAMBIA COUNTY - Bulkhead Line Permit No. 17-35-2487
(February 13, 1974)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304

PROJECT: A bulkhead line 1976.77 feet long more or less.

LOCATION: Section 8, Township 2 South, Range 29 West,
Pensacola Bay, Escambia County, not in an aquatic preserve.

ECOLOGICAL RESPONSES: See "11-B".

NOTE: The City Council of the City of Pensacola established this bulkhead line by Resolution 31-73 adopted May 24, 1973.

Staff recommends approval of the establishment of the bulkhead line.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board of Trustees approved establishment of the bulkhead line.

-11B-

ESCAMBIA COUNTY - Construction and Fill Permit No. 17-31-2488
(February 13, 1974)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304

March 19, 1974

PROJECT: To construct 1976.77 feet of sloping riprap
revetment wall and fill 0.48 acre of submerged
lands using 3,000 cubic yards of material obtained
from uplands. (DOT Project Number 48100-2501).

LOCATION: Section 8, Township 2 South, Range 29 West, Pensacola
Bay, Escambia County, not in an aquatic preserve.

MATERIAL: 3,000 cubic yards of material will be used to fill
0.48 acres of submerged land.

PAYMENT: No payment required, as there will be no dredging
involved.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The
proposed reduction in fill area can be expected to reduce the
adverse effects on marine biological resources.

Bureau of Beaches and Shores - This agency has reviewed the
revised plans and provides the following hydrographic assess-
ment: A hydrographic survey will not be required. It is
improbable that this project would have significantly adverse
hydrographic effects. The use of a revetment, as opposed to
a vertical seawall, has the advantage of reducing wave reflec-
tions and local scour at the base of the structure.

Game and Fresh Water Fish Commission - Our Environmental Pro-
tection Section has reviewed this project relative to the
revisions stated in your letter of December 14, 1973. It is
our understanding that the desired fill area has been decreased
to 0.48 acre by steepening the fill slope to 6:1. All fill will
come from upland sources and the fill slope will be a riprap
revetment wall. Based on this information, our agency has no
objection to this project provided adequate turbidity control
procedures are employed during the project's construction.

Department of Pollution Control - As this project has been
significantly revised to limit filling of submerged lands,
it will be considered exempt from certification requirements
of Public Law 92-500. This exemption is provided with the
understanding that the Department of Transportation will stabi-
lize the fill material with vegetation and riprap to preclude
water quality degradation. Without such precautions, the
fill would be eroded by both surface runoff and wave action.
Any discharge that would directly or indirectly affect water
quality in the adjacent water way in such a manner as to
exceed the limitations of various constituents for such
waters, as prescribed in Chapter 17-3, Florida Administrative
Code, is a violation of the Water Quality Standards of the State
of Florida.

OTHERS: By Resolution 31-73, adopted May 24, 1973, the City
Council of the City of Pensacola approved the fill permit for
the proposed project.

Staff recommends issuance of a construction and fill permit
with the stipulation that adequate turbidity control procedures
are employed during the project's construction.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed
without objection, issuance of the construction and fill permit
was approved subject to the stipulation for adequate turbidity
control.

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LAKE COUNTY - Marina License and Construction Permit 35-39-1048E
(May 31, 1973)

APPLICANT: E. George Caloz, Florida Anglers Resort
Post Office Box 1086, Tavares, Florida 32778

March 19, 1974

PROJECT: To construct a commercial dock 130 feet long by 4 feet to 10 feet wide covering 616 square feet of state-owned submerged land to be occupied by the marina facility and to construct 65 feet of riprap seawall along the existing shoreline.

LOCATION: Section 23, Township 19 South, Range 25 East, Lake Harris, Lake County, not in an aquatic preserve.

MATERIAL: No dredging involved in the project.

PAYMENT: \$100 received as minimum annual marina license fee.

STAFF REMARKS: Field Operations Division recommends approval of the project as proposed.

ECOLOGICAL RESPONSES:

Department of Pollution Control - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500. Any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such waters, as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the water quality standards of the State of Florida.

Staff recommends issuance of a construction permit and marina license at the annual fee of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the recommendation was approved as the action of the Board.

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LEE COUNTY - Construction Permit No. 36-23-0928
(May 14, 1973)

APPLICANT: Bonita Springs Water Association, Inc.
c/o I. K. Steuart, P.E.
Post Office Box 106A, Fort Myers, Florida 33901

PROJECT: To dredge and backfill with a minimum of 30 inches cover for installation of 225 feet of 8-inch subaqueous water main, and to remove a section of the existing water main from submerged lands.

LOCATION: Section 31, Township 47 South, Range 25 East, Little Hickory Pass, Lee County, not in an aquatic preserve.

MATERIAL: No material will be removed from state-owned submerged lands.

PAYMENT: \$50 received as utility installation processing fee.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The limited excavation required to install an 8-inch subaqueous water main should not have significant adverse effects on marine life.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

March 19, 1974

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objection to its issuance.

Department of Pollution Control - In regard to the subject project, it is recognized that turbidity problems will occur and our certification when issued will require the applicant to provide monitoring. Certification will be issued pending notification of Trustees' approval.

Staff recommends issuance of a construction permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, issuance of the construction permit was approved.

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MARTIN COUNTY - Utility Installation Permit No. 43-23-1858
(January 7, 1974)

APPLICANT: Florida Power and Light Company
Post Office Box 3100, Miami, Florida 33101

PROJECT: To use the "plow-in" method for installation of 1400 feet of submarine cable a minimum of 24 inches below river bottom or at -18 feet mean low water, whichever is greater under channel, and for 25 feet on both sides of channel.

LOCATION: Sections 14 and 15, Township 37 South, Range 41 East, Indian River, Martin County, in Aquatic Preserve A-10.

MATERIAL: No dredging involved.

PAYMENT: \$50 received as utility crossing processing fee.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed cable crossing should not adversely affect aquatic biological resources, provided adequate measures are taken to control siltation.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - We have reviewed the above-captioned permit application, and offer no objections to its issuance.

Department of Pollution Control - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500. Any discharge that would directly or indirectly affect water quality in the adjacent water way in such a manner as to exceed the limitations of various constituents for such water, as prescribed in Chapter 17-3, Florida Administrative State of Florida.

OTHERS: The Florida Inland Navigation District by letter dated January 4, 1974, states that it has no objection to approval of the application.

Staff recommends issuance of the utility installation permit with the stipulation that adequate measures be taken to control siltation.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board approved issuance of the utility installation permit subject to the stipulation regarding control of siltation.

March 19, 1974

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PALM BEACH COUNTY - Dredge Permit No. 253.123-830
(Revised December 7, 1973)

APPLICANT: Lantana Boatyard, Inc., c/o Adair & Brady
Post Office Box 2686, Palm Beach, Florida 33480

PROJECT: Maintenance dredging to an average depth of -8 feet mean sea level in an existing upland boat basin 520 feet long by 475 feet wide, and an existing navigation access channel 540 feet long by 50 feet wide.

LOCATION: Section 34, Township 44 South, Range 43 East, Lake Worth, Palm Beach County, not in an aquatic preserve.

MATERIAL: 5,000 cubic yards of material will be dredged and placed on an upland spoil site at a controlled rate to preclude any runoff back into the waterway.

PAYMENT: \$5,000 received as payment for material to be dredged.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - Depths indicated on the application diagram appear to be quite accurate; only limited dredging would be necessary in the access channel (-7.5 to -8.0). It would be more conservative if the marina depth was reduced from -8.0 ft. to -7.5 ft. because no dredging would be required in the access channel and siltation could be more easily controlled if dredging were confined to the marina basin area. If the design of the dikes is adequate, filling the proposed spoil area should not have adverse effects on marine biological resources.

Bureau of Beaches and Shores - A hydrographic survey will not be required. We have been advised by the Board of Trustees of the Internal Improvement Trust Fund staff that this revised application is for maintenance dredging only of an existing facility, that the proposed depth is -8 feet mean sea level, and that an upland disposal site is to be used. Under these conditions, it is improbable that the project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - No significant biological problems are anticipated with the proposed project, provided all necessary precautions for preventing siltation to the surrounding waters are implemented during dredging operations.

Department of Pollution Control - This Department has reviewed the above referenced project and we do intend to issue a "Water Quality Certification" with monitoring requirements. Certification will be issued pending approval of the project by the Trustees.

OTHERS: 1. The Board of County Commissioners of Palm Beach County, at its regular meeting of October 12, 1971, stated that this project was in the public interest. 2. The Area Planning Board of Palm Beach County at its meeting on October 21, 1971, registered no objection to the project.

Staff recommends issuance of the dredge permit with the stipulation that all necessary precautions for preventing siltation to the surrounding waters are implemented during dredging operations.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Board approved issuance of the dredge permit subject to the stipulation regarding siltation.

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PALM BEACH COUNTY - Dredge Permit No. 253.123-1193

Mr. Kuperberg reported that by telegram received this morning, the applicant requested two weeks deferral of this application that had previously been on the agenda for Mathews and Sawyer.

Without objection, consideration was deferred.

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VOLUSIA COUNTY - Construction Permit No. 64-23-1899
(Revised December 28, 1973)

APPLICANT: Teleprompter of Florida, Inc.
Post Office Box 1407, New Smyrna Beach, Florida 32069

PROJECT: To water-jet to -6 feet below channel bottom for installation of 175 feet of CATV submarine cable and to loose-lay 1400 feet of CATV submarine cable across submerged lands in the Indian River North.

LOCATION: Section 17, Township 17 South, Range 34 East, New Smyrna Beach, Indian River IWW, Volusia County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$50 received as utility installation processing fee.

STAFF REMARKS: Field Operations Division recommends approval of the standard application as proposed.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposed cable installation should not significantly affect estuarine biological resources provided care is taken to avoid damaging the mangrove wetlands and to control siltation. Since the applicant did not elaborate on the method for bringing equipment to the project site, we must assume the worst and strongly caution him against unnecessary destruction of wetland vegetation.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - We have reviewed the above-captioned permit application, and offer no objections to its issuance.

Department of Pollution Control - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500, provided turbidity and siltation problems are properly controlled during installation of the utility cable. Any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such waters, as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida.

Staff recommends issuance of construction permit with the stipulation that unnecessary destruction of wetland vegetation be avoided and siltation be held below Department of Pollution Control limits.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the staff recommendation was approved as the action of the Board.

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BREVARD COUNTY - Marina License and Construction Permit
 No. 05-30-1966E
 (October 23, 1973)

APPLICANT: Brevard County Housing Authority
 2312 South Patrick Drive, Garden Apartments
 Satellite Beach, Florida 32937

PROJECT: To construct a fishing dock 84 feet long by 6
 feet to 20 feet wide to occupy 644 square feet
 of state-owned submerged land.

LOCATION: Section 14, Township 27 South, Range 37 East,
 Indian River, Brevard County, not in an aquatic
 preserve.

MATERIAL: No dredging involved in project.

PAYMENT: The Housing Authority of Brevard County requests
 waiver of the annual marina license charge and
 fees associated with issuance of permits.

STAFF REMARKS: Field Operations Division recommends approval
 of the exemption application as received.

Department of Pollution Control - Certification will not be
 required for the subject project. This type of project is
 considered exempt from the certification requirements of
 Public Law 92-500. Any discharge that would directly or in-
 directly affect water quality in the adjacent waterway in such
 a manner as to exceed the limitations of various constituents
 for such waters, as prescribed in Chapter 17-3, Florida Admin-
 istrative Code, is a violation of the Water Quality Standards
 of the State of Florida.

OTHERS: The Florida Inland Navigation District does not object
 to issuance of the requested permit.

Staff recommends issuance of Marina License and Construction
 Permit Number 05-30-1966E upon receipt of a corrected metes
 and bounds description.

ACTION OF THE TRUSTEES:

State Representative Jane W. Robinson, District 73, of Cocoa,
 Florida, urged waiver of fees and approval of a fishing pier
 permit for a group of senior citizens living in a public-owned
 housing development. The dock would be a non-profit recreation
 facility for public housing residents, with access limited because
 of its location at the housing development.

Attorney General Shevin felt that waiver of the fee was not
 justified unless the dock would be open for public use.

On motion by Mr. Christian, seconded by Mr. Shevin and adopted
 without objection, the Trustees approved issuance of the permit
 and waiver of fee conditioned upon the facility being open to
 the public.

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MARINA LICENSE RENEWAL

The required annual fee for renewal of the following marina
 license has been submitted.

Field Operations Division has no objection to renewal and
 finds that the facility has been constructed in accordance
 with approved plans.

Staff recommends renewal of the marina license for one year
 at the fee indicated.

DADE COUNTY

ML-11 Keystone Harbor Condominium
 c/o Mr. L. Cohen
 13155 Ixora Court, Keystone Point
 North Miami, Florida 33161

March 19, 1974

\$157.50 received for 1-year renewal as payment for fee covering 7,875 square feet of sovereignty land. No dredging involved.

In Section 28, Township 52 South, Range 42 East, New Arch Creek, Keystone, North Miami, Dade County, not in an aquatic preserve.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees approved one-year renewal of the marina license to Keystone Harbor Condominium.

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BREVARD COUNTY - Extension of Dredge and Fill Permit
253.123-543 and #253.124-124
(March 5, 1973)

This application was considered on March 4, 1974 (Item #25) and was denied by the Trustees because of adverse biological reports. The applicant's attorney has requested reconsideration of the matter.

APPLICANT: Oakland Consolidated Corporation
c/o J. Lewis Hall, Jr.
Post Office Drawer 840, Tallahassee, Florida 32302

PROJECT: To extend the dredge and fill permit issued by the Board of Trustees on March 17, 1970, (extended 6 months on March 20, 1973, 3 months on September 18, 1973, and for 3 months on January 3, 1974) until comments have been received from the state environmental agencies, to dredge a 50-foot wide by 2500-foot long navigation channel to -5 foot depth and dredge and fill 39.15 acres of submerged lands.

LOCATION: Government Lot 6, Section 31, Township 34 South, Range 37 East, Newfound Harbor, Brevard County, not in an aquatic preserve.

ACTION OF THE TRUSTEES:

This application was on the agenda of March 4, 1974 (Item 25) with details and environmental comments. The attorney representing the applicant apparently failed to receive the telephoned notice of that meeting and written notice arrived on the day of the meeting.

Mr. J. Lewis Hall, Jr., requested reconsideration of the Trustees' action denying extension of this dredge and fill permit and sought some type of relief for his client. He briefly reviewed the history of this particular application concerning land in Newfound Harbor purchased from the Trustees in 1965, a dredge permit issued by the Trustees for a navigation channel, the bulkhead line established in 1964 after consideration of environmental reports then required by policy. In 1968 when a permit approved by Brevard County was denied by the Trustees, Oakland Consolidated entered suit against the Trustees with the result that in March 1970, the dredge and fill permit was issued with certain conditions. As the Corps of Engineers did not approve the permit, the applicant reduced the project almost one-half in size and in 1972 filed an application for an amended permit from the Trustees for the reduced project. For this modified project, snarled in governmental processes, Mr. Hall requested relief and reissuance of the permit in its modified form so that his client could proceed to try to secure a permit from the Corps of Engineers.

The Executive Director stated that all three state environmental agencies objected to the project as revised, opposed further extension of the permit. As it appeared that such modification as would be required is unacceptable to the applicant, the staff felt that the permit should be extended no longer.

The Governor having left the meeting, Attorney General Shevin as acting chairman, upon receiving no motion to reconsider the application that was denied at the last meeting, said the previous action would stand.

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ST. LUCIE COUNTY- Dredge and Fill Permit No. 56-24-0883
(Revised October 24, 1973)

As directed by the Board of Trustees on March 4 (item #22), this application was advertised in the News Tribune of Fort Pierce, on March 7, 1974 for objection to the proposed agreement.

APPLICANT: Warren A. McFadden
c/o M. G. E., Inc.
3000 N. E. 30th Place, Suite 500
Fort Lauderdale, Florida 33306

PROJECT: To dredge a meandering waterway and lakes to a -8 feet mean sea level for removal of approximately 100,000 cubic yards of material and to fill three areas; (1) 12.0 acres, (2) 9.0 acres, (3) 3.0 acres, to a +7.0 feet mean sea level using approximately 300,000 cubic yards of material (100,000 cubic yards dredged and 200,000 cubic yards of fill obtained from off site), and to construct a secondary ocean front dune.

LOCATION: Section 19, Township 35 South, Range 41 East, Indian River, Hutchinson Island, St. Lucie County, in Aquatic Preserve A-10, which includes all sovereign lands.

MATERIAL: Approximately 100,000 cubic yards of material to be removed.

PAYMENT: Request waiver of the fee as part of the agreement.

STAFF REMARKS: Part of the area to be developed may be below mean high water and therefore a dedication of lands west of A-1-A as a conservation or wilderness area is proposed.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - December 21, 1973: This office has received notification from the applicant dated December 20, 1973, that stipulates the permanent sealing of all culverts which connect the impounded area east of A-1-A with the west impounded area. This stipulation removes the sole remaining direct threat posed by this development to the waters of the west impoundment and indirectly to the waters of the Indian River.

December 13, 1973 - The revised application states that the depth of the proposed lakes and waterways will be limited to 8 feet and that the lake-waterway system will not connect directly to the Indian River; the system will, however, connect via culverts to the impounded area west of State Road A-1-A according to sketches submitted. The project will not, therefore, be a landlocked development.

Residential development can be expected to generate pollutants which will enter the lake-waterway system; and, although not connected directly to the Indian River, the system would connect to an impoundment occasionally opened to the river. The proposed lake-waterway system should be thoroughly evaluated by agencies responsible for water quality. Because the biological resources of barrier island-estuary systems such as the Hutchinson Island-Indian River complex are extremely sensitive to development, local and regional planning agencies should give careful consideration to these aspects in establishing guidelines for development on Hutchinson Island.

March 19, 1974

A hydrographic survey will not be required. The information provided with this application is incomplete in that it does not show the mean high water line along the Indian River shoreline. The application, however, states that the artificial lake system is not to be connected to the Indian River. If the proposed waterways were isolated from the Indian River, the project would not have significantly adverse effects on the Indian River.

Game and Fresh Water Fish Commission - The applicant's revised project plan modifies the original proposal by reducing the depth of the interconnecting series of lakes from a maximum of 20 feet to 8 feet, and cancels the proposal for linking these lakes with the Indian River via highway culverts. These modifications do not alter our position as stated in our letter of July 11, 1973. We do not feel that this project is in the best interest of preserving valuable wildlife habitat.

Department of Pollution Control - January 4, 1974: The Department of Pollution Control has the following comments for the project:

1. The reduction of the proposed depth to 8 feet will not exert as much stress on the water quality as the depth previously proposed.
2. The project will provide a closed-loop system between the East and West impoundment areas with no direct discharge to the Indian River System. The developer proposes to operate a pumping system to maintain circulation within the closed loop. The system will be operated closed-loop until sufficient data to support water quality equivalent to, or better than, the ambient Indian River. At a future time, an evaluation may be considered for the interconnection with the adjacent body of water.
3. Reforestation of waterway edges is assumed in the review of the project.
4. Monitoring of water quality as appropriate for Class III waters.

Based upon the review of this project, this Department has no further objection to the proposed project for dredge and fill or storm water disposal. However, disposal of domestic waste is still in question and will be reviewed separately.

Further action will be taken pending notification of approval by the Trustees.

February 1, 1974: The Department of Pollution Control has reviewed the subject project, subsequent revisions and stipulations as agreed to by applicant in December, 1973 and acknowledged on December 21, 1973 by the Department of Natural Resources. This agency offers no objections to the project revisions. However, disposal of domestic waste is still in question and will be reviewed separately.

OTHERS: The Board of County Commissioners, St. Lucie County, approved the site development plan at a regular meeting on February 5, 1974.

Staff recommends that:

1. Area west of AIA as illustrated on attached exhibit be dedicated in perpetuity as a conservation or wilderness area not subject to any improvements or alterations by man, legal description to be based upon a survey or agreed boundary drawn upon aerial photograph and courses and distances described as near as may be by photogrammetric techniques. This is based upon an agreed boundary with respect to this project only, and shall not affect the applicant's riparian rights which attach to the upland.

March 19, 1974

2. No dredging or filling will be performed in the area shown on the attached aerial, and included in the application, adjacent to Pete Stone's Creek other than filling for building pad sites and dredging to connect canoe trails, the spoil from which may be used for permitted fill purposes. In areas where dredging or filling is allowed, efforts shall be made to minimize damage to healthy mangroves forming the fringes of existing or proposed open water. The location of site pads and canoe trails shall be staked out for inspection by a Trustees' representative and no construction shall commence until his report has been submitted and reviewed and consent to the location has been received by the applicant.

3. Compliance with the conditions of the permit shall not be construed as committing either the applicant or the state to any type of admission against interest and shall not preclude either the applicant or the state from raising issues relating to jurisdiction or ownership in an appropriate forum should it become necessary to resolve such issues in the future, with respect to areas both east and west of AIA in the vicinity of the permitted project other than those covered by the instant permit application.

4. Efforts shall be made to cooperate with the Bureau of Entomology of the Division of Health, or similar responsible agency, to make available the impoundments west of AIA for mosquito control research for a reasonable period of time to be agreed upon by the applicant and the agencies involved.

ACTION OF THE TRUSTEES:

Mr. Kuperberg advised that the staff had worked further on the agreements proposed in the first staff recommendation, an agreement was prepared jointly by the Trustees' staff attorney and Mr. Wade L. Hopping, applicant's attorney, as to the wilderness area status for those lands to be set aside, the proposal was advertised and no objections were received.

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the Trustees approved issuance of the dredge and fill permit subject to the four stipulations in the staff recommendation on the agenda.

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BAY COUNTY - Utility Installation Permit No. 03-33-1902
(October 10, 1973)

APPLICANT: Gulf Power Company
Post Office Box 1151, Pensacola, Florida 32520

PROJECT: To install ^{5,565.2}~~200~~ feet of 115 KV overhead electric transmission line to be supported by 5 steel towers and to drill 4-inch by 75-foot deep core samples. Corrected in Minutes 3/19/74

LOCATION: Sections 33 and 34, Township 3 South, Range 15 West, St. Andrews Bay, Panama City, Bay County, not in an aquatic preserve.

MATERIAL: No dredging involved in this project.

PAYMENT: \$50 received as utility installation processing fee.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - This project should not significantly affect the aquatic biological resources; however, special care should be taken to control siltation since this portion of St. Andrews Bay is Class II Waters.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

March 19, 1974

Game and Fresh Water Fish Commission - The Environmental Section of the Florida Game and Fresh Water Fish Commission has reviewed this project and offers no objection to the issuance of the project.

Department of Pollution Control - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500. Steps should be taken to minimize turbidity while drilling core samples through bay bottom substrates and while constructing the support towers. You are cautioned that any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such water, as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida.

Staff recommends issuance of a utility installation permit with the stipulation that special care be taken to control siltation.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the permit subject to the stipulation to control the siltation.

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ST. JOHNS COUNTY - Utility Installation Permit No. 55-23-2283
(December 11, 1973)

APPLICANT: Florida Power and Light Company
Post Office Box 3100, Miami, Florida 33101

PROJECT: To use the "plow-in" method for installation of 2,000 feet of submarine cable to a -9 feet mean low water along the river bottom and to a -19.5 feet mean low water within 125-foot channel area, and to use a water jet to remove an existing buried cable.

LOCATION: Sections 34 & 35, Township 8 South, Range 30 East, Intracoastal Waterway, Crescent Beach, St. Johns County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$50 received for utility crossing processing fee.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The proposal should not have significant adverse effects on marine natural resources provided that adequate measures are taken to control siltation during the removal and relocation of the submarine cable.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

Department of Pollution Control - This agency has no objection. Certification will be issued provided that there are no adverse comments received by March 14 as a result of the public notice.

Staff recommends issuance of the utility installation permit with the stipulation that adequate measures are taken to control siltation during removal and relocation of the submarine cable.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed

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without objection, the utility installation permit was approved subject to the stipulation to control siltation during removal and relocation of the cable.

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BREVARD COUNTY - Marina License and Construction Permit
No. 05-30-1395
(Revised February 19, 1974)

APPLICANT: Joseph R. Mizerek
901 Southeast Port Malabar Boulevard
Palm Bay, Florida 32905

PROJECT: To construct 1,842 linear feet of pier and docking facilities encompassing 86,957 square feet of sovereignty land, with 6-foot wide top decking, 47 finger piers, 80 mooring dolphins and install 600 feet of riprap seawall along the existing shoreline.

LOCATION: Section 14, Township 30 South, Range 38 East, Indian River, Brevard County, in aquatic preserve A-6 and within a tidal area and a buffer zone for an approved shellfish harvesting area.

MATERIAL: No dredging involved in this project.

PAYMENT: \$1,739.14 received as annual fee payment for 86,957 square feet of state-owned submerged land to be occupied by the marina facility.

STAFF REMARKS: This item was on the February 19, 1974 agenda as an addendum at the request of the Secretary of State.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - February 26, 1974: The revised application includes a nearshore perimeter pier connecting to the three originally proposed piers and relocation of the middle pier. This portion of the application is essentially the same as the original application and our comments of November 21, 1973 still apply: Our primary concern is that indirect adverse effects to estuarine biological resources can be expected to occur as a result of long-term degradation of water quality, a subject best addressed by the Department of Pollution Control. The proposed riprap revetment at the existing shoreline should not significantly affect aquatic biological resources. Bureau of Beaches and Shores - A hydrographic survey will not be required. The information provided with the revised application is somewhat sparse; however, we have been advised that the project consists only of the lining of the existing shoreline with riprap and the construction of three piers supported on piles. It is improbable that such a project would have significantly adverse hydrographic effects. November 21, 1973: The subject area is within an Aquatic Preserve and Class II Waters. Although it is not within the approved shellfishing area, the subject area is part of a buffer zone, according to a Brevard County Health Department biologist. The proposed dock construction should not have immediate significant adverse effects on estuarine biological resources provided siltation is controlled and disturbance to bottoms is minimized. However, marina activities in this area can be expected to pose a threat to the long-term health of the adjacent public waters, a subject which, no doubt, will receive close review by the Department of Pollution Control. Bureau of Beaches and Shores - A hydrographic survey will not be required. This application indicates that only the construction of piers and docks is proposed. It is improbable that this construction will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - January 8, 1974: This agency offers no objections to issuance of the permit.

Department of Pollution Control - On the basis of a preliminary review of the fourth revision of the subject project, (dated February 20, 1974) the Department of Pollution Control must object for the following reasons:

March 19, 1974

1. The proposed marina is located in Class II waters of a State Aquatic preserve. Severe water quality problems are usually associated with facilities of this nature and since the Department of Pollution Control is the State Agency responsible for protecting, maintaining, and improving water quality, the Staff cannot approve the construction of a marina in the proposed location.
2. Even if the marina project was located in another area, the application received is incomplete and does not include all the necessary information for proper review. The Department questions the exact location of the proposed riprap bulkhead in relation to nearshore vegetation and the mean high water line in the area, the plans, if there are any for preserving existing shoreline vegetation, the proposed drainage of storm water runoff, the exact method of controlling disposal of sanitary wastes and other wastes that attributed to marine operations, the exact method of constructing the proposed docks and/or wave reflecting barriers, and the plans for keeping or removing the old, deteriorated barges that are located in the offshore waters.
3. The Department cannot ignore the fact that the Brevard County Health Department has requested the Department of Pollution Control to deny water quality certification for this project.

OTHERS: On February 14, 1974, the Brevard County Board of County Commissioners approved placement of riprap along the mean high water line for shoreline protection only.

Staff recommends the marina license and construction permit be denied.

ACTION OF THE TRUSTEES:

Mr. Mizerek, urgently seeking permission to improve dockage for a group of commercial fishermen, stated that many boats used the site, staff field inspectors had not reported any potential environmental damage, a staff member of the Pollution Control Department indicated that with sufficient information on disposal of sewage and runoff the matter might go to a review board for reconsideration, and that septic systems now in the area had been approved by the County Health Department. Examining pictures showing the poor condition of the existing docking area, members asked a number of questions.

Mr. O'Malley commented on the inconsistency of no environmental objections or requirement for DPC certification in item 10 on this agenda (the reconstruction of a city dock in Apalachicola Bay aquatic preserve) whereas this private citizen's problems had not been resolved to allow improvement of existing dockage also in an aquatic preserve, in existence as shown in the pictures and being used for 28 commercial fishing boats, according to the applicant.

Staff relied on adverse comments from environmental agencies and the Director thought it unlikely that DPC would reverse itself in Class II waters. He felt that no construction that would create pollution should be allowed in an aquatic preserve.

On the Treasurer's motion, action was deferred for thirty days. The Comptroller seconded the motion, noting that this taxpayer seemed to deserve some relief.

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PALM BEACH COUNTY - Agricultural Lease No. 2051

As only four members remained, the Trustees deferred consideration of settlement and modification of Agricultural Lease 2051 held by Talisman Sugar Corporation, represented by Brown, Smith, Young and Pelham and James C. Smith of Tallahassee, involving land in Sections 24 and 36, Township 46 South, Range 35 East, Palm Beach County, containing 1,280 acres, more or less.

Attorneys were present desiring to be heard on the Ocean Reef Club (Monroe County) controversy, not on the agenda on this date.

Mr. William J. Roberts, representing Ocean Reef Club, said there was no emergency but a member of the Board had asked for the matter to be on the agenda. He added that his client asked that there not be a hearing, that there was no legal basis for one.

Mr. Stephen Turner, attorney for Clarence H. Gifford, et al, objected to the number of times this matter had been brought up and requested that the hearing proceed as had been directed on December 4, 1973.

Attorney General Shevin suggested that the Ocean Reef Club matter be placed on the next agenda for discussion.

On motion duly adopted, the meeting was adjourned.

ATTEST:


EXECUTIVE DIRECTOR

 
GOVERNOR - CHAIRMAN

* * * * *

Tallahassee, Florida
April 2, 1974

The Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Haydon Burns Building with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

A request to consider item 10 first to accommodate the applicant's representative was not granted, as Mr. O'Malley suggested that the several applications for seawall construction should all be considered at the same time, in their proper order.

-1-

On motion adopted without objection, the minutes of March 4, 1974, were approved as submitted.

-2-

PALM BEACH COUNTY - Agricultural Lease No. 2051
Approval of settlement and modification
of lease.

LESSEE: Talisman Sugar Corporation
Miami, Florida

REPRESENTED BY: Brown, Smith, Young, and Pelham, and
James C. Smith, Esquire, of Tallahassee.

LOCATION: Sections 24 and 36, Township 46 South,
Range 35 East, Palm Beach County, containing
1,280 acres, more or less.

April 2, 1974

FACTS: This lease was entered into between the Trustees and the lessee on October 1, 1964, as the result of competitive bidding, for a period of ten years with options of renewal for two five-year terms, the rental for the renewal periods to be based upon valuation of the land prior to each five-year period. The lands were never used by the lessee and the lease has been the subject of negotiation for the greater part of the past three years, the lessee having contended that the lease was terminated. The base rental was paid for a number of years, but because the land was not put to use, no improvements were made.

As the result of recent negotiations, it was agreed that the staff would recommend waiver of interest and penalty upon payment of the base rental and would also recommend modifying the lease to provide for an added option of renewal for two years, to be exercised prior to the end of the twentieth year, in the event the two five-year options are exercised.

Talisman Sugar has submitted its check in the amount of \$113,440, bringing the lease current and paid up to April 1, 1974. Lessee requests that the time for exercising the first option of renewal be extended from April 1, 1974 for a period of 90 days, or 30 days after Trustees have notified Lessee of the appraised value of the land and the rental demanded by the Trustees for the renewal term, whichever is the longer, so that Lessee can make an informed decision concerning such renewals.

Staff recommends acceptance of the tender of \$113,440 and modification of paragraph (15) of the lease relating to the six months notice provisions for the exercise of the renewal options as requested by the Lessee. Staff further recommends that the lease also be modified to provide for an additional option of renewal for two years to be exercised prior to the end of the twentieth year of the lease, such extension to be subject to conditions applicable to the prior options.

ACTION OF THE TRUSTEES:

Attorney General Shevin commented that there was a substantial amount of money involved and this land would be used for production of food, but he questioned whether it might be more important to leave some of this land in its natural state. Mr. Kuperberg responded that the applicant was willing either to proceed with the proposed settlement and modified lease or to accept reimbursement. The staff had not examined the need for sugar production as opposed to the need for this 1,280 acres.

On examining the map and noting that this land was surrounded by developed land used for agriculture, Mr. Christian said he did not think the land should be held out of production. Mr. Stone added that the rising price of sugar indicated that more was needed.

On motion by Mr. O'Malley, seconded by Mr. Conner and adopted on a vote of six to one, Mr. Shevin voting "No", the staff recommendations were approved as the action of the Trustees.

-3-

POLK COUNTY - Land Exchange

APPLICANT: Department of Military Affairs
St. Augustine, Florida

REQUEST: Authority to return the armory and armory land in Haines City to that city in exchange for a 99-year leasehold interest in an 8.25-acre parcel of land presently owned by the city.

LOCATION: The present armory land, deeded to the Armory Board by the City of Haines City in 1949 with the present armory building in place which was constructed by the city in the 1930s, is described as Lots 6 to 15 inclusive, Block 43, Haines City, Florida, in Section 29, Township 27 South, Range 27 East.

The land offered in exchange is described as Lots 16, 17, 18 and 22 of Haines City Industrial Park containing 8.25 acres, more or less, in Polk County.

The two parcels of land have been appraised by Robert E. Curtan. The appraisals have been reviewed by staff appraiser who approves the value of \$94,468 of the present armory and \$99,000 value of the 8.25 acres of land offered by the city on a 99-year lease.

The Department of Military Affairs advises that the present armory is entirely inadequate for National Guard purposes and recommends that the Trustees agree to reconvey the present armory and property to the City of Haines City at such time as the new armory facility on the 8.25-acre tract is completed and occupied. The city has agreed to execute the 99-year lease at once, to allow the new armory construction to commence.

Staff recommends approval of the land exchange subject to Polk County advising that the county does not desire the land for public outdoor recreational purposes pursuant to Section 253.111, Florida Statutes.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the land exchange provided Polk County does not request the land pursuant to Section 253.111, Florida Statutes.

-4-

LEVY COUNTY - Easement For Monitor Well Site

APPLICANT: Southwest Florida Water Management District
Post Office Box 457, Brooksville, Florida

REQUEST: Site for location of a water monitor well on
Division of Forestry Cedar Key Towersite property.

LOCATION: An area 20 feet by 20 feet in SW¼ of NW¼ of
Section 29, Township 14 South, Range 14 East,
Levy County.

The Southwest Florida Water Management District is locating monitoring wells in the district with several sites in Levy County for observance purposes over a long period of time. The Division of Forestry recommends the easement be granted, as such use of the requested site will not affect operation of the fire tower or be an unsightly facility.

Staff recommends issuance of an easement to the Southwest Florida Water Management District for monitoring well purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the easement for monitoring well purposes only.

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ESCAMBIA COUNTY - Public Sale of Murphy Act Land (March 14, 1974)

DESCRIPTION: Lot 23, Block 12, Treasure Hill, Plat Deed Book
102, Page 286, Section 12, Township 3 South, Range
32 West, Escambia County.

LOCATION: This lot is in an old subdivision in the extreme
southwest perimeter of Escambia County approximately
18 miles southwest of Pensacola in a neighborhood
of predominately undeveloped raw pine land.

APPRAISAL: By staff appraiser, \$600.

AUTHORITY
FOR SALE: Section 197.381, Florida Statutes.

April 2, 1974

DATE OF
SALE: January 28, 1974, by Clerk of the Circuit Court
of Escambia County, Florida.

HIGH
BIDDER: H. L. Pilkinton

HIGH BID: \$600.

Staff recommends confirmation of sale of this lot to H. L. Pilkinton for \$600 plus costs of advertising and clerk's fee.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board of Trustees confirmed sale of the lot under provisions of the Murphy Act to Mr. Pilkinton as recommended by the staff.

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PINELLAS COUNTY - Acceptance of Land Donation

APPLICANT: Division of Corrections
Department of Health and Rehabilitative Services

REQUEST: Acceptance of a five-acre parcel offered by Mr. George A. Hunt, Jr. on behalf of George A. Hunt, Inc., for use by the Division of Corrections as a correctional center at Tarpon Springs.

LOCATION: West 270 feet of the east 335 feet of Lot 10, Tampa & Tarpon Springs Land Co's sub. of Section 2, Township 27 South, Range 15 East, Pinellas County, containing 5 acres, more or less.

The Division of Corrections has been searching for a site for a correctional center at Tarpon Springs. Several proposals to use state-owned sites have met with opposition from local residents. Mr. Hunt has offered to donate this land to the State for correctional center use only without any cost to the State. The Department of Health and Rehabilitative Services recommends acceptance of this generous offer.

Staff recommends accepting with appreciation the five-acre tract offered by Mr. Hunt, subject to the Trustees being furnished survey and evidence of marketable title.

ACTION OF THE TRUSTEES:

Mr. Kuperberg recommended acceptance of the tract of land and that a resolution of appreciation be offered to Mr. Hunt.

On motion by Mr. O'Malley, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Board.

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ALACHUA COUNTY - Public Sale of Murphy Act Land
(February 28, 1974)

DESCRIPTION: Lots 1 through 4, 6 through 24, Block A;
Lots 12 and 13, Block C;
Lots 4 and 13 through 17, Block D;
Lots 12 through 15, 20 through 24, Block E;
Lots 1 through 10 and Lot 12, Block F;
Lots 1 through 7, 9 through 14, 16, 17, 18, 22,
23 and 24, Block G;
Lots 1 through 14, 18 through 24, Block H;
Lots 1 through 24, Block I;
Lots 1 through 7, 9 through 24, Block J;
Lots 13 through 16, 18 through 24, Block K;
Lots 1, 2, 3, 10, 13, 14, 15, 21, and 22, Block L;
Lots 1 through 24, Block M;
In Archer Hills, Plat Book B, page 42,
Section 15, Township 11 South, Range 18 East,
Alachua County, Florida

April 2, 1974

LOCATION: These lots are near the rural Alachua County community of Archer, Florida. Major roads that extend through the neighborhood, such as that on which the subject land fronts, are improved with small acreage homesite tracts having houses in the medium to low value range.

APPRAISAL: By staff appraiser, \$9,330.

AUTHORITY
FOR SALE: Section 197.381, Florida Statutes

DATE OF SALE: February 21, 1974, by the Clerk of the Circuit Court of Alachua County, Florida

HIGH BIDDERS: Roger Bond, James W. Dumont and Cynthia Edds Dumont, his wife, John A. Gibbs, Jr., and John S. Rudniansyn

HIGH BID: \$10,000.41

Staff recommends confirmation of the sale of the lots to the above named high bidders for \$10,000.41 plus costs of advertising and clerk's fee.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Board of Trustees confirmed sale of the lots under provisions of the Murphy Act to the high bidders as recommended by the staff.

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MONROE COUNTY - Dredge and Construction Permit No. 253.123-764
and #253.123-173
(Revised January 11, 1974)

APPLICANT: Ocean Reef Shores, Inc.
c/o Joseph C. Jacobs
Post Office Box 1170, Tallahassee, Florida 32302

PROJECT: To dredge 8900 cubic yards of material from a proposed navigation channel 1000 feet long x 60 feet wide, and to a -5 feet mean low water and dredge an upland navigation channel 400 feet long x 50 feet wide, and to a -5 feet mean high tide, to connect existing upland canal system for navigable access, with the spoil to be placed on the uplands. Construct 600 feet of boulder riprap along the existing mean high tide line.

LOCATION: Section 29, Township 60 South, Range 40 East, North Key Largo, Atlantic Ocean, Monroe County, not in an aquatic preserve. Project site is within boundaries of Coral Reef State Park.

MATERIAL: 4,100 cubic yards of material to be dredged from state-owned submerged land and 4,800 cubic yards to be dredged from owner's upland.

PAYMENT: \$6,150 required as payment for 4,100 cubic yards of material to be removed from state-owned submerged lands.

STAFF REMARKS: Field Operations Division recommends denial of the application. This item was **placed on the** March 4, 1974 agenda as an addendum item and deferred for one month.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - The two existing canals are box-cut approximately 1,000 feet long and have an average depth in excess of -25 feet. The canals are joined at the western ends by a circulation canal similar to the long canals. The proposed connection canal at the east end of the project will be dredged to -5 feet in a previously filled section; its construction should not have additional adverse effects on marine biological resources.

The proposed access channel will cut through shallow rocky bottoms that extend out from the existing limit of fill. (Red mangroves mentioned in a report in June, 1971 no longer exist.) The submerged bottoms have not significantly changed since our June, 1971 report except that the turtle grass vegetates only pockets of deeper sediments and does not blanket the entire bottom.

Dredging an access channel 60 feet wide, 5 feet deep, and from 1,800 to 3,300 feet long will have definite direct adverse effects on marine biota of the immediate area. The proposed depth is fairly conservative and can be expected to eventually become revegetated and repopulated. However, the excessive depth of the upland canal system may lead to water degradation which, in turn, may preclude significant recovery of the area.

One other factor must be considered: the proposed work lies within the boundaries of Coral Reef State Park. It has been documented that excessive turbidity and sedimentation damage can destroy reef building corals. At present there are indications that the reef corals of the park are under stress. (A study on this subject has been completed but not published.) This project will, in all probability, place additional stress on the reef. (Reef building corals recover very slowly if at all after sedimentation damage.)

Bureau of Beaches and Shores - A hydrographic survey will not be required. Revised plans show substantial improvement from original plans in that breakwater has been eliminated.

Game and Fresh Water Fish Commission - Reference is made to our letter of August 24, 1971, in which we emphasized the difficulty of a meaningful biological assessment of the intertidal resources due to alterations which had taken place, and our agency's desire to refrain from providing official sanction to an unauthorized operation. We still maintain this position which reference to this project. In addition, the revisions presently proposed would result in further adverse alterations to the marine resources in at least the two following ways:

1. The proposed connection of these canals to the open waters of the state could easily result in water quality degradation with its accompanying biological ramifications. The close proximity of this project to the already heavily stressed coral reefs of the John Pennkamp State Park greatly magnify the need to avoid any further degradation of water quality in this area.
2. The dredging of the access channel will cause a significant loss of productive marine grasses which are important to the welfare of many types of marine life and dependent shore and wading birds.

In summary, it is the belief of the Florida Game and Fresh Water Fish Commission that both past and proposed alterations will contribute greatly to the unnecessary destruction of valuable wildlife resources. In the interest of preserving valuable marine habitat and productive biological communities, our agency requests that no permit be issued for this project revision.

Department of Pollution Control - In response to your request for certification in accordance with Public Law 92-500, this Department has conducted a detail inspection of the subject project. As a result of this inspection, it is expected that local water quality will be degraded as a result of connecting the navigation channel to the canal system. The connection of approximately 6000 feet of additional artificial or unnatural water frontage will result in the introduction into these waterways of quantities of fertilizer, pesticides, oils and greases, organic debris, coliform bacteria and various toxic and deleterious substances through surface runoff, wind action or human actions. These substances are likely to become trapped in the artificial waterways and due to the extreme depth of the canals (-25 feet) the formation of an extensive layer of water with a reduced dissolved oxygen content may also be expected.

The two canals, as shown on the project application, are existing with an approximate length of 1200-1500 feet with an average

depth of 25 feet. Depth soundings were taken at approximately 100-foot intervals throughout the entire canal system from a boat. The water clarity was poor. The visibility was approximately 2-3 feet. Algal growth was restricted to a depth of 5-7 feet. A pronounced thermocline was encountered at a 5-6 foot depth.

The project application indicates that the navigational access channel will be dredged out to a depth of 5 feet at mean low water. The ocean bottom in the area is gentle sloping and shallow; therefore, the depth of 5 feet at mean low water would be obtained by dredging at approximately 2,000 feet offshore.

Dredging a distance of 2,000 feet could create siltation which would deleteriously affect the surrounding aquatic ecosystem and affect water quality.

Based on the above, it is the recommendation of the Staff of the Department of Pollution Control to the Board of the Department of Pollution Control that the request for certification in accordance with Public Law 92-500, be denied as it is expected that local water quality will be degraded as a result of the project.

By copy of this letter, we are advising the Board of the above recommendation for denial. If you wish to have this recommendation of denial reviewed, you must submit a request for a hearing to the Department.

Staff recommends denial of the dredge permit.

ACTION OF THE TRUSTEES:

Mr. Christian said he would abstain from voting for the reason that the applicant's attorney, Mr. Joe Jacobs, was representing Mr. Christian on another matter.

Referring to his presentation at a previous meeting of the Trustees, Mr. Jacobs said he did not want to repeat the same material but the position of his client, Mr. Charles Valois, was unchanged in thinking that his application came within the purview of other rulings of the Board, that the rules had been changed insofar as Ocean Reef Shores, Inc., was concerned. The boundary of the Pennekamp Park was moved in 1967 to the mean high water line so that all of the water adjacent to this project was technically a part of the Park but as the question was whether the Park would be damaged as a result of the project, the applicant had attempted to resolve every question of whether there would be adverse effects either to the Park or to any other natural resources of the state.

Mr. Jose Muxo, applicant's consulting engineer, discussed the situation in detail, the basic problems associated with canals and his proposal to provide an area of transition between the waters of the canal, inland waters and the exterior waters with protective measures to be used in these transition areas including riprap, revegetation, and drainage towards the interior. Mr. Muxo said actual square footage and cubic yards would have to be carefully worked out for this totally new proposition, but he knew it was entirely feasible.

The members examined maps, pictures and asked many questions. Mr. Kuperberg said this new presentation incorporated some of the recommendations of the environmental agencies. The applicant's agreeing to do these things and innovation shown by the engineer were commendable, but there were things that needed to be examined and the agencies had not seen the new proposal.

The Treasurer asked many questions, noted that the bulkhead line was offshore but the Park boundary was at the mean high water line of this private property and the project was not in an aquatic preserve. He felt that something might be worked out for this property owner that would meet the criteria of the various agencies, referring to other developments in the general area.

Mr. Kuperberg explained that because Monroe County was exempt from certain portions of the bulkhead act until January 1 of last year, there was no bulkhead line here but in effect the sale line was considered the limits. The staff thought there has been a minor violation seaward of the mean high water line, but the work done on the upland didn't require any governmental approval. Mr. Kuperberg mentioned a report on coral reef formations

that he would like to study as well as to further evaluate Mr. Muxo's new proposition and secure comments from the other agencies.

The Governor expressed concern that the coral reef not be injured or development allowed within the Park, the inherent problem facing the Trustees being the balancing of equities. Mr. O'Malley added that areas should be protected and yet property rights had to be considered.

Without objection, the Trustees deferred further consideration pending review of the new plan by the staff and the environmental agencies.

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BROWARD COUNTY - Construction Permit No. 06-35-1515
(August 20, 1973)

APPLICANT: Fairbanks Terrace, South, Inc.
1201 South Riverside Drive
Pompano Beach, Florida 33062

PROJECT: To construct 200 feet of vertical concrete seawall to replace an existing seawall and place sloping riprap on the waterward side.

LOCATION: Section 6, Township 49 South, Range 43 East, Intra-coastal Waterway and Lettuce Lake, Broward County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$50 received as processing fee for a construction permit.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - This project should have very limited adverse effects on marine biological resources. Riprap should be emplaced at the toe of the seawall to provide protective habitat and sites of attachment for marine organisms and to dissipate wave energy and retard further damage to the seawall.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

Department of Pollution Control - In response to your request, please be advised that certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500.

OTHERS: 1. The City of Pompano Beach passed and adopted Resolution Number 74-143, on February 6, 1974 approving the above project.
2. Florida Inland Navigation District has no objection to the proposed replacement construction.

Staff recommends issuance of a construction permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the construction permit.

-10-

DADE COUNTY - Construction and Fill Permit No. 13-39-1147
(June 14, 1973)

April 2, 1974

APPLICANT: M. J. M. Construction, Inc.
2075 N.E. 164th Street
North Miami Beach, Florida 33162

PROJECT: To construct 1771.35 feet of vertical concrete seawall and backfill using 3,000 cubic yards of clean sand fill obtained from uplands.

LOCATION: Sections 10 and 15, Township 52' South, Range 42 East, Maule Lake, Dade County, not in an aquatic preserve.

MATERIAL: 3,000 cubic yards of fill obtained from upland source will be used for backfill behind the seawall.

PAYMENT: No payment required as there will be no dredging involved in the project.

STAFF REMARKS: As Maule Lake is an artificially created water body, affidavits to reclaim eroded lands are not required.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - Placing vertical concrete bulkheads offshore, with attendant backfilling, would not be in the best interest of marine biological resources. Installation of riprap at or above mean high water affords protective habitat for marine organisms and absorbs wave energy.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is recommended that the proposed seawall be realigned to conform more closely with the existing mean high water line and that riprap be placed at the seaward face of the proposed wall to minimize scour and wave reflections.

Game and Fresh Water Fish Commission - In an effort to help streamline permitting procedures between the Game and Fresh Water Fish Commission, the Department of Natural Resources, and the Trustees of the Internal Improvement Trust Fund, we are deferring comments on the above referenced project to the Survey and Management section of the Department of Natural Resources.

Department of Pollution Control - In response to your request, this Department has conducted a detail review of the subject project. The Department of Pollution Control has the following comments for the project: (1) The storm water disposal system has been revised to include perforated pipes and drainfields to decrease the discharge of pollutants during small rains. (2) The applicant has agreed to include a perimeter swale system, as per letter of January 31, 1974, to decrease direct runoff into Maule Lake. (3) All work needs to be done behind turbidity control devices. (4) The Southeast Regional Office shall be notified as to when drainfields may be inspected prior to covering.

Certification will be issued pending approval of the project by the Board of Trustees.

OTHERS: 1. City of North Miami Resolution No. R73-88 was adopted at its regular council meeting of November 6, 1973, approving construction of a concrete retaining seawall bordering on Maule Lake.
2. Applicant's letter of February 28, 1974, states that M. J. M. Construction cannot comply with the recommendations of the Department of Natural Resources.

Staff recommends issuance of the construction and fill permit as originally platted June 12, 1957, subject to the water quality certification as issued and stipulated by the Department of Pollution Control and that riprap be placed at the seaward face of the proposed wall to minimize scour and wave reflection.

April 2, 1974

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. O'Malley, that the staff recommendation be approved.

In the discussion that followed, Mr. O'Malley commented that Maule Lake was an artificial body of water and questioned why this matter should come under the Board's jurisdiction.

In response to the Governor's question as to whether the Trustees had jurisdiction in this artificial lake, the Executive Director answered in the affirmative, stating that the issue was whether all of Maule Lake was artificial, that it was dug within a mangrove swamp into a portion of the Oleta River, parts of it appear to be natural waters.

The motion to approve the staff recommendation passed without objection.

-11A-

FRANKLIN COUNTY - Bulkhead Line Permit No. 19-35-1568

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304

PROJECT: (DOT Section 49010-2504) A bulkhead line 123.77 feet long along the north approach of the Carrabelle River Bridge on State Road No. 30.

LOCATION: Section 19, Township 17 South, Range 4 West, Franklin County, not in an aquatic preserve.

ECOLOGICAL RESPONSES: See "11-C".

OTHERS: The City of Carrabelle Board of Commissioners established this bulkhead line by Resolution 2-73 adopted on July 16, 1973.

Staff recommends approval of the establishment of the bulkhead line.

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained that 11A, 11B and 11C pertained to the building of a highrise bridge across the Crooked River at the City of Carrabelle and relocation of the river channel in order to place the channel under the center of the new bridge.

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the Trustees approved the establishment of the bulkhead line.

-11B-

FRANKLIN COUNTY - Easement for Right of Way and Temporary
Easement for Dredging - File No. 2551-19-253.03
(February 19, 1974)

APPLICANT: Department of Transportation
Tallahassee, Florida 32304

PROJECT: (DOT Section 49010-2504) Highway and bridge construction and channel realignment for public highway purposes as and for right of way for public State Road No. 30. Some dredging is required.

(Corrected in Minutes Apr. 16, 1974) and 15.10-acre
LOCATION: 7.09-acre parcel for easement and 14.21-acre/parcels for temporary easement in Crooked River, Sections 19 and 30, Township 7 South, Range 4 West, Franklin County, not in an aquatic preserve.

PAYMENT. Not applicable.

STAFF REMARKS: Staff legal counsel is of the opinion that the spoil areas are in private ownership.

April 2, 1974

ECOLOGICAL RESPONSES: See "11-C".

Staff requests authority to issue right of way easement and temporary easement, the temporary easement to terminate October 1, 1976.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. O'Malley and passed without objection, authorizing issuance of the right of way easement and temporary easement as recommended by the staff.

-11C-

FRANKLIN COUNTY - Dredge and Fill Permit No. 19-31-1569
(Revised, February 19, 1974)

APPLICANT: Department of Transportation
Tallahassee, Florida 32304

PROJECT: (DOT Project No. 49010-2504). To dredge 223,993 cubic yards of material for channel realignment to be 3,750 feet long by 80 to 100 feet wide, to a -10.7 feet mean low water, and to fill approximately 0.11 acre above the mean high water line using approximately 1,500 cubic yards of material obtained from upland source.

LOCATION: Section 19, Township 7 South, Range 4 West, Carrabelle River, Franklin County, not in an aquatic preserve.

MATERIAL: 223,993 cubic yards of material to be dredged with 173,993 cubic yards to be deposited on diked spoil sites on Timber Island and uplands in public ownership with 50,000 cubic yards to be used by DOT on uplands during construction.

PAYMENT: Applicant requests waiver of dredge material fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES - February 13, 1974: As our report of November 22, 1972 states, proposed spoil sites 'G' and 'K' have previously been spoiled and the use of these areas should not significantly affect aquatic biological resources provided adequate dikes are maintained and siltation is controlled.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that the use of the alternate upland spoil sites would have significantly adverse hydrographic effects.

May 18, 1973: The Department of Transportation has amended the project to generally follow our recommendations. The present plan reduces the fill area and leaves intact a major portion of intertidal marsh. The proposed channel has also been modified to exclude most of the intertidal marsh vegetation and since the spoil disposal areas have apparently been relocated to upland property away from submerged lands, it may not be necessary to modify the channel location. As currently revised, the project should not have extensive adverse effects on marine biological resources provided siltation and turbidity problems are properly controlled and dikes are constructed where necessary to adequately retain the spoil materials within the upland disposal site.

GAME AND FRESH WATER FISH COMMISSION - February 6, 1974: Our Environmental Section has inspected the site of the proposed bridge and associated spoil sites. The spoil sites on the west end of Davis Island (Site G) and the north side of Timber Island (Site K) are suitable upland spoil sites. Both areas have a fringe of black rush along the shoreline, however, which provides habitat for a wide variety of marine invertebrates and may serve to minimize the effects of erosion from the spoil sites. We recommend that the spoil containment dike be constructed completely inside this valuable marsh fringe.

July 6, 1973: Our Environmental Section has reviewed the above referenced revised proposal and offers the following comments.

April 2, 1974

As stated in our letter of February 1, 1973, our main objective regarding this project is to protect the existing marsh. Although alterations in the original project plans have reduced the amount of marsh to be filled, the existing plans reveal that approximately 1/3 of an acre of marsh is still to be destroyed by the bridge approach. We suggest that the bridge approach be moved landward and that no fill be placed below the existing mean high water line.

February 1, 1973: In regard to the above referenced project, I have discussed the problems involving the spoil sites with Mr. Charles Dunn and I have been assured that should the additional fill appear to affect any of the marsh, that these sites will be diked so that the spoil will remain on the areas. Our main objective is to protect the marsh, and if this is accomplished, we have no further objections to the project.

January 16, 1973: This letter is in regard to the above referenced project involving the replacement of the existing bridge over the Carrabelle River, necessitating the removal of 14,511 cubic yards of material below the mean high water line. We offer no objection to the removal of this material, however, no fill should be placed on spoil site G, as it will damage the surrounding marsh. Also, if extensive fill is added to sites B, E & F, it will seriously damage sections of the marsh. If the use of new sites is anticipated, we would appreciate the opportunity to comment on these sites.

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500, this will certify that the following project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of the Environmental Protection Agency and have been proposed as the effluent limitations under Section 301 (b), Public Law 92-500, Federal Water Pollution Control Act.

Certification is issued on the following basis: (1) No marsh bottoms are included in the spoil disposal sites G and K. (2) Adequate dikes will be constructed around the spoil disposal areas prior to spoiling. (3) Turbidity control structures will be installed at the source of dredging and at all effluent discharge points on the disposal sites.

The applicant is hereby required to notify the Department of Pollution Control's Regional Office of the schedule of the project before beginning any work covered by this certification. All testing data shall be submitted to the Department of Pollution Control's Regional Office.

OTHERS: By Resolution 2-73, adopted July 16, 1973, the City of Carrabelle Board of Commissioners approved the fill permit for the proposed project.

Staff recommends issuance of a dredge and fill permit subject to the following stipulations: (1) Issuance of certification as required by the Department of Pollution Control. (2) All spoil to be placed on Timber Island in spoil area "K" or other uplands which are in public ownership, and that dredge material fee be waived.

ACTION OF THE TRUSTEES:

Mr. James Richardson, attorney representing Mr. McKissack, was present to be heard in the event any questions were raised.

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the staff recommendations were approved as the action of the Trustees.

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PALM BEACH COUNTY - Dredge, Fill and Construction Permit 50-39-0666
(Revised December 26, 1973)

APPLICANT: Soverel Marine Harbor, Inc.
c/o James L. Titzel, P.E.
728 Eastwind Drive
North Palm Beach, Florida 33408

April 2, 1974

PROJECT: Dredge 60,000 cubic yards of material from an existing access channel 1,077 feet long by 225 feet wide, to -12 feet mean low water, and spoil to be placed in an existing boat basin to raise the bottom from -22 feet mean low water to -12 feet mean low water, construct 4,500 feet of vertical seawall with riprap to be placed along the seawall facing the Intracoastal Waterway, and construct 10 feet long by 4 feet wide docking facilities around the perimeter of the boat basin.

LOCATION: Section 5, Township 42 South, Range 43 East, Intra-coastal Waterway, Palm Beach Gardens, Palm Beach County, not in an aquatic preserve.

MATERIAL: 60,000 cubic yards to be dredged from an existing channel and placed in an existing upland boat basin.

PAYMENT: No payment for dredged material required, as the project site is in private ownership.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The revised application complies with our recommendation to riprap the Intracoastal Waterway shoreline rather than construct a vertical seawall but does not propose to use riprap within the basin. We also reiterate that while the applicant proposes to raise the 22-ft.-deep bottoms in the existing basin to 12 ft., this is still deeper than what is desirable for effective light penetration and photosynthesis.

Bureau of Beaches and Shores - Please note my comments on this project on October 5, 1973, when I was temporarily substituting for Mr. D. T. Tackney in making hydrographic assessments for you. At that time, I questioned the effectiveness of the artificial circulatory system. The revised plans now include the elimination of these circulation pumps. There is apparently some indecision by the applicant as to whether or not they should or will place riprap along the bulkhead inside the canal. The placement or lack of placement of riprap along this interior stretch of bulkhead should have a negligible effect on the hydrography, as the depth is well in excess of that in which the lower layers will experience water particle motion due to surface generated boat waves.

I have one additional concern that I did not mention on October 5, 1973, and this should be considered in any future marina construction projects. Whenever any fill or obstruction, such as the temporary earthen plug which is proposed for this project, is placed in such a location as to prevent water to flow between the marina and the exterior receiving body of water, the entrapped water mass would have a tendency to undergo distinct stratification. I might add, the depth (-12 ft., MLW) to which the existing basin (-22 ft., MLW) will be filled will probably not be sufficient to solve future water exchange problems in this marina; however, this proposed filling is not expected to result in additional water exchange problems.

Game and Fresh Water Fish Commission - Enclosed is our letter to Mr. James Titzel concerning the potential water quality problems of the Soverel Marine canal system. These comments also apply to the revised proposal.

January 4, 1974: This proposal, however, involves modifications to an existing canal rather than the construction of a new one. The Department of Pollution Control, which has primary responsibility for water quality, has taken this into account and has certified this proposal with certain restrictions. We concur with their recommendations and have no further objections to this specific project. By copy of this letter, we are informing The Trustees of the Internal Improvement Trust Fund of this decision.

DEPARTMENT OF POLLUTION CONTROL -- The Department of Pollution Control will approve the subject project with the following stipulations to be included in the letter of certification: (1) A water quality monitoring program must be established and reports submitted to our Regional Office. (2) It will be the responsibility of the subject applicant to maintain, regulate, and control the water quality within the canal and basin so as to maintain the standard

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as set forth in Chapter 17-3, Florida Administrative Code, Paragraph 17-3.09, Criteria: Class III Waters; for perpetuity of the project. (3) Gently sloping riprap shall be provided in an area of the project for both an artificial littoral zone and protection of the seawall.

Certification will be issued upon notification of favorable action by the Trustees.

OTHERS: 1. The Area Planning Board of Palm Beach County at its regular meeting on October 17, 1973, registered no objection to processing this application with the stipulation that riprap be used for shoreline and mangrove protection along the Intracoastal Waterway as suggested by the Department of Natural Resources. 2. The Board of County Commissioners of Palm Beach County, at its regular meeting on November 13, 1973, found the subject permit request to be in the public interest with the following condition: (a) That riprap be used for shoreline and mangrove protection along the Intracoastal Waterway as suggested by the Department of Natural Resources.

Staff recommends issuance of the dredge , fill and construction permit subject to the stipulations of the Department of Pollution Control for issuance of water quality certification and the earthen plug to remain in place until preconstruction water quality has been restored.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. O'Malley and passed without objection, the staff recommendations were approved as the action of the Board.

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SARASOTA COUNTY - Extension of Dredge Permit No. 253.123-682
(November 26, 1973)

APPLICANT: Spice Islands, Inc. (Lazy Rivers, Inc.)
c/o William R. Korp
Post Office Box 1744
Venice, Florida 33595

PROJECT: To extend Dredge Permit No. 253.123-682 for a period of 90 days pending receipt of comments from the environmental agencies.

LOCATION: Section 34 and 35, Township 39 South, Range 20 East, Myakka River, Sarasota County, not in an aquatic preserve.

MATERIAL: Not Applicable

PAYMENT: Not Applicable

STAFF REMARKS: The original dredge permit was issued in the name of Mr. Robert Hamilton, c/o Mr. Richard F. Sutton, Post Office Box 852, Venice, Florida, approved by the Board of Trustees on November 24, 1970. Final execution of the permit was concluded on April 5, 1971.

Staff recommends extension of the dredge permit for 90 days awaiting current comments from the state environmental agencies, notice of certificate of good standing from the Secretary of State's office, and conveyance of certain properties to the State of Florida as required for issuance of the original permit.

ACTION OF THE TRUSTEES:

The original permit was approved in November 1970 but the time period did not begin until execution of the permit in April 1971. The applicant has not been able to complete the work.

On motion by Mr. Conner, seconded by Mr. Christian and passed without objection, the staff recommendations were approved as the action of the Board.

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BREVARD COUNTY - Marina License and Construction Permit 05-30-1747E
(August 16, 1973)

APPLICANT: Steve S. Vaszary
1010 Creel Street
Melbourne, Florida 32901

PROJECT: To construct a commercial T-shaped dock 120 feet long by 6 to 40 feet wide, covering 4800 square feet of state-owned submerged land to be occupied by the marina facility.

LOCATION: Section 10, Township 27 South, Range 37 East, Indian River, Brevard County, not in an aquatic preserve.

MATERIAL: No dredging involved in this project.

PAYMENT: \$100 received as minimum annual marina license fee.

STAFF REMARKS: Field Operations Division recommends approval of the exemption application as received.

ECOLOGICAL RESPONSE:

Department of Pollution Control - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500.

Staff recommends issuance of the construction permit and marina license at the annual minimum fee of \$100.00.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees authorized the permit and marina license as recommended by the staff.

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CHARLOTTE COUNTY - Marina License and Construction Permit 08-30-1186
(September 27, 1973)

APPLICANT: Travers D. Hanna
673 Southeast Melbourne Street
Charlotte Harbor, Florida 33950

PROJECT: To construct a commercial docking facility 120 feet long by 29 feet wide, occupying 1,220 square feet of state-owned submerged land.

LOCATION: Section 36, Township 40 South, Range 22 East, Peace River, Charlotte Harbor, Charlotte County, not in an aquatic preserve.

MATERIAL: No dredging involved in the project.

PAYMENT: \$100 received as minimum annual marina license fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed dock construction should not have significant adverse effects on marine life.

Bureau of Beaches and Shores - A hydrographic survey will not be required. The plans provided with this application are somewhat incomplete; however, if the dock is to be supported completely on open pilings, it is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - We have reviewed the above-captioned permit application, and offer no objection to its issuance.

DEPARTMENT OF POLLUTION CONTROL - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500.

April 2, 1974

Staff recommends issuance of a construction permit and marina license at the minimum annual fee of \$100.00.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees authorized the permit and marina license as recommended by the staff.

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MONROE COUNTY - Marina License and Construction Permit 44-39-1463
(August 8, 1973)

APPLICANT: Anglers Properties, Inc.
c/o Greenleaf/Telesca, Inc.
1451 Brickell Avenue
Miami, Florida 33131

PROJECT: To construct 17 concrete finger piers (8 of which would be 45 feet long by 4 feet wide, and 9 of which would be 40 feet long by 4 feet wide), 1 L-shaped fuel dock 83 feet long by 12 feet wide, and install 26 concrete mooring pilings, for a marina facility covering 257,004 square feet of state-owned submerged lands.

LOCATION: Section 13, Township 59 South, Range 40 East, Card Sound, Monroe County, not in an aquatic preserve.

MATERIAL: No dredging involved in this project.

PAYMENT: \$5,140 received as payment for the annual marina license fee for rental of 257,004 square feet of state-owned submerged lands.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Emplacement of 17 finger piers and pilings should not have significant adverse effects on marine biological resources because established vegetation on the riprap would not be greatly disturbed. Installation of the gas dock would probably have temporary adverse effects on the shallow nearshore grass flats; however, field observations indicate that vegetation will recover below a 4-ft. wide dock construction in this area.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that the proposed construction of piers, supported by piles, and mooring piles would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - We have reviewed the above captioned permit application, and offer no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - Certification will not be required for subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500.

Staff recommends issuance of the construction permit and marina license at the annual fee of \$5,140.00.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees authorized the permit and marina license as recommended by the staff.

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SANTA ROSA COUNTY - Marina License and Construction Permit
No. 57-30-1887
(October 5, 1973)

APPLICANT: Jon D. White, Trustee
No. 1 Miracle Strip Parkway
2 North Palafox Street, Suite 200
Pensacola, Florida 32501

PROJECT: To construct a commercial dock 248 feet long by 10 feet wide with 95-foot long by 10-foot wide "T" head, covering 26,016 square feet of state-owned submerged land to be occupied by the facility.

LOCATION: Section 5, Township 3 South, Range 29 West, Pensacola Bay, Gulf Breeze, Santa Rosa County, in Class III Waters, not in an aquatic preserve.

MATERIAL: No dredging involved in this project.

PAYMENT: \$520.37 received as annual fee for a marina license for rental of 26,016 square feet of state-owned submerged lands.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed pier should not significantly affect marine biological resources provided siltation is controlled.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - Certification is issued on the basis that the water quality will not be degraded. Degradation may be allowed where degradation will not reduce water quality below the existing water classification for the area and the project has been deemed by the Department of Pollution Control to: (1) not be detrimental to the best interests of the state, and (2) is necessary to the state's social and economic development.

Conditions of Certification

1. Turbidity control devices must be installed where necessary to protect adjoining State waters.
2. Dockage of vessels should be restricted to mooring only. No overnight or continuous living aboard vessels should be allowed unless the appropriate accommodations are installed for the proper removal of sewage and other waste products.

Please be advised that an approval of drainage plans must be obtained from this Department prior to the construction of any upland facilities that could result in the pollution of State waters. You may be required to obtain a permit under Chapter 403, Florida Statutes, to construct.

The applicant is hereby required to notify the Department of Pollution Control's Regional Office of the schedule of the project before beginning any work covered by this certification.

OTHERS: The City Council of Gulf Breeze approved the concept of the proposed pier at its meeting on January 21, 1974.

Staff recommends issuance of a construction permit and marina license at the annual fee of \$520.37 subject to water quality certification as issued and stipulated by the Department of Pollution Control.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendations were approved as the action of the Board.

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PALM BEACH COUNTY - Renewal of Marina License Permit No. ML-4
(Expiration Date: September 1, 1973)

APPLICANT: Louis R. Perini, Jr.
c/o Bill's Marina
98 Lake Drive
Palm Beach Shores, Florida 33404

April 2, 1974

PROJECT: To renew Marina License ML-4 for one year.

LOCATION: Section 27, Township 42 South, Range 43 East, Lake Worth, Palm Beach Shore, Palm Beach County, not in an aquatic preserve.

MATERIAL: No dredging involved.

PAYMENT: \$255.00 received as payment of fee covering 12,750 square feet of sovereignty land.

STAFF REMARKS: Field Operations Division reports that construction appears to have been carried out in accordance with the submitted drawings.

Staff recommends the marina license be renewed for one year at the annual fee of \$255.00.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved one-year renewal of the marina license at the annual fee of \$255.00.

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DADE COUNTY - Campsite Lease Assignment Permit No. 2146A
(March 20, 1974)

APPLICANT: Mrs. Cornelia D. Dinkler
One Palm Bay Court
Miami, Florida 33138

PROJECT: Mrs. Dinkler, holder of Campsite Lease No. 2164A, which has been renewed through December 28, 1974, requests assignment of the lease to Boyce F. Ezell, III Alan G. Greer, John R. Nichols and Larry S. Stewart.

LOCATION: $\frac{1}{4}$ acre parcel of sovereignty land in Biscayne Bay, Dade County, in Aquatic Preserve A-12.

PAYMENT: \$25.00 processing fee for assignment has been paid.

STAFF REMARKS: Instrument of assignment and acceptance of assignment by assignees, executed by all parties, have been approved by staff legal counsel.

Staff recommends approval of assignment of Lease No. 2146A to Messrs. Ezell, Greer, Nichols and Stewart, provided that sanitary facilities are installed and maintained by the lessees to prevent discharge of any raw sewage from the site.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation was approved as the action of the Board.

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PALM BEACH COUNTY - Dredge Permit No. 253.123-1193
(June 14, 1972)

This item (#16 on March 19) was deferred for two weeks at the request of the applicant.

APPLICANT: Dr. J. S. Mathews and Mr. Frank Sawyer
c/o Mr. John A. Grant, Jr.
3333 North Federal Highway, Boca Raton, Florida 33432

PROJECT: To dredge an area 200 feet long by 100 feet wide, to a -8 feet mean sea level.

LOCATION: Section 28, Township 46 South, Range 43 East, Intracoastal Waterway, Palm Beach County, not in an aquatic preserve.

April 2, 1974

MATERIAL: 2,610 cubic yards of material will be dredged from state-owned submerged lands and deposited on uplands.

PAYMENT: Applicant will furnish payment at standard rate upon approval of permit.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - A site for spoil disposal is not indicated on the application submitted. Bottoms in the subject area consist of mud containing a large percentage of organic material. A thin layer of sand covers part of the area. Dredging collections yielded numerous mysids. The proposed dredging to a depth of eight feet would eliminate sloping bottoms and shallow waters inhabited by the mysids. Because mysids serve as food for various species of fish, shallow bottoms which support dense populations of these organisms should be conserved. Penaeid shrimp and portunid crabs were also collected with the dredge. Fish were seen but not collected. Remaining marine habitat of value to marine life should be carefully conserved.

A hydrographic survey will not be required for this application.

Game and Fresh Water Fish Commission - We recommend that the dredge area be reduced to a minimum-sized boat channel and boat slip in order to conserve as much fish and wildlife habitat as possible. If the applicant agrees to this stipulation, we have no objection to issuance of this permit.

Department of Pollution Control - This Department has completed a review of the subject project and recommends that the dredging be limited to a depth of minus 5 feet. In addition, we will need complete information as to method of dredging, controls to be used and disposition of spoil material. We have been requested by the Trustees to comment on the project. Their review may request that the dredging be limited to a 50' navigational channel in which case we would concur with that recommendation.

- OTHERS:**
1. Area Planning Board of Palm Beach County at its meeting of September 21, 1972 registered no objection, with the following recommendations:
 - (a) The dredging be limited to only that which is absolutely necessary.
 - (b) The spoil material be hauled away to an approved upland site.
 2. The Board of County Commissioners at its regular meeting of October 17, 1972 stated that this project was not in the public interest.
 3. Florida Inland Navigation District letter, dated February 13, 1974, stated that it had no objection to approval of the project.

Staff recommends that the Trustees affirm the position of the Palm Beach County Commission and that the dredge permit be denied.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the staff recommendation was accepted and the application denied.

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BAY COUNTY - Extension of Dredge Permit No. 253.123-729
(December 10, 1973)

APPLICANT: City of Mexico Beach
Mexico Beach, Florida 32410

April 2, 1974

PROJECT: To extend for 3 years, Dredge Permit No. 253.123-729.

LOCATION: Section 22, Township 16 South, Range 12 East, Mexico Beach Canal, Gulf of Mexico, Mexico Beach, Bay County, not in an aquatic preserve.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

STAFF REMARKS: This is a manmade pass, privately constructed in 1957 without apparent state or federal authority. In 1971, the Trustees and the Corps issued maintenance dredging permits to maintain the channel, which is subject to constant shoaling.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Bureau of Beaches and Shores - January 28, 1974: Upon request from town officials, we will give consideration to reissuance of the required coastal construction permit for this operation. Such permit would authorize the placement of material on sovereignty lands.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL -

Staff recommends the dredge permit be extended for 60 days awaiting current comments from the Department of Pollution Control and the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Board approved the staff recommendation and extended the permit for 60 days pending receipt of current comments from the Department of Pollution Control and the Department of Natural Resources.

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DUVAL COUNTY - Dredge and Construction Permit No. 16-39-1650
(Revised November 6, 1973)

APPLICANT: Jacksonville Port Authority
Post Office Box 3005
Jacksonville, Florida 32206

PROJECT: To dredge 100,000 cubic yards of material from an existing access channel to -40 feet mean low water with the spoil to be placed on an upland diked temporary spoil site, construct a 400-foot wharf extension bulkhead and backfill 400 feet of the St. Johns River, and install a 48-inch sanitary and storm sewer outfall.

LOCATION: Section 25, Township 1 South, Range 27 East, St. Johns River, Duval County, not in an aquatic preserve.

MATERIAL: 100,000 cubic yards of material to be dredged and placed on an upland diked temporary spoil site.

PAYMENT: Applicant requests waiver of fees (the Duval County rate is \$1.00 per cubic yard).

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The greatest detrimental effects of the proposed project to biological resources will be the elimination of intertidal bottoms. Sloping riprap along selected areas along the toe of the bulkhead would to a certain extent encourage recolonization by the intertidal

communities displaced by this project. The proposed dredging should have only limited adverse effects, and all spoil will be placed on diked uplands according to the applicant. The proposed storm-water and sewage discharge should be evaluated by agencies responsible for water quality control.
Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL -

Staff recommends issuance of the dredge and construction permit with the stipulation that any requirements imposed by the Department of Pollution Control shall become a part of this permit, and requests waiver of fee.

ACTION OF THE TRUSTEES:

Mr. Kuperberg stated that subsequent to preparation of the agenda, the staff learned that the Department of Pollution Control would certify the project. The staff recommended waiver of the fees.

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved waiver of the fees and approved the staff recommendation for issuance of the permit.

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MONROE COUNTY - Bulkhead Line Confirmation

APPLICANT: Ocean Reef Club
 c/o Post, Buckley, Schuh & Jernigan, Inc.
 10 Palm Plaza, Homestead, Florida

PROJECT: To confirm that the bulkhead line as located by the firm of Post, Buckley, Schuh and Jernigan, Inc. on its Plat of Survey dated August 1972 was located at the mean high water line.

LOCATION: Sections 1 and 12, Township 59 South, Range 40 East, at the north end of Key Largo, Monroe County, not in an aquatic preserve.

STAFF REMARKS:

In September 1973, the staff conducted an independent topographic survey. This survey compared favorably with the Post, Buckley, Jernigan & Schuh, Inc., survey of the mean high water line. For the most part, the elevations were within 1.2 inches. There were some differences at the south end of the property. These differences ranged from 1.2 to 6.6 inches.

Staff found that at the south end of the property at mean high water, there was a tenuous connection with an interior pond. This connection ranged from 1.2 to 6.6 inches below the elevation of mean high water.

Staff examined all available archival material in an effort to determine if this observed connection was natural in origin. Based upon this research, the Executive Director proposed to the applicant that staff would recommend confirmation of the bulkhead line as originally located, subject to certain stipulations on the part of the applicant:

1. That any fill inadvertently placed offshore from the Snapper Point bulkhead line be removed to the natural bottom configuration.
2. That the entire shoreline at Snapper Point be riprapped landward of the bulkhead line.
3. That for a minimum width of 50 feet landward of the bulkhead line, a buffer zone be created and maintained

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in perpetuity using flora indigenous to the Keys; that these plantings be of such height and density to screen from the public waters of Card Sound the single family dwellings to be built to the interior of Snapper Point.

4. That all drainage be to an interior retention area and/or sheet flow through the vegetated buffer zone before reaching the waters of Card Sound.
5. That there be a service road or other clear separation between the visual screen-buffer zone and the upland lots.

Staff recommends confirmation of the bulkhead line location as approved by the Board on May 15, 1973, subject to the stipulations set forth in the above staff remarks.

ACTION OF THE TRUSTEES:

There had been field examinations and a total resurvey by the staff with no evidence that Snapper Point was sovereign land. Mr. Kuperberg explained that because of original reports the staff had issued a cease and desist order. After a topographic survey and on-site inspection by the Executive Director, and further reports the stacking of fill was allowed to continue above mean high water line (fill coming from a lake on a golf course and from Florida Power and Light Cooling system on Turkey Point). In December the staff recommended an additional 45 days deferral and was directed to designate a hearing officer and if both parties could not agree, the matter was to go to a hearing. In the opinion of the Trustees' legal division the request for a hearing is not properly constituted.

Mr. William J. Roberts, representing Ocean Reef Club, said his client agreed to develop with a 50-foot minimum vegetation buffer zone surrounding the Card Sound shoreline, that approval of the staff recommendation would not directly affect litigation brought by owners across the canal who alleged impairment of view in an attempt to stop Ocean Reef development. He stated that a hearing officer would serve no useful purpose in this dispute between two private owners because Ocean Reef Club has a deed from the Trustees to the mean high water and title can be divested only by the court, not by administrative determination.

The members asked a number of questions and looked at photographs submitted by Mr. M. Stephen Turner, who represented the objectors on Snapper Point. Regarding the condition of the area in dispute, Mr. Turner said there was a difference in interpretation, he could provide infrared photography showing water flow through the mangroves, and core borings would be the best way to determine location of the mean high water. He thought the Board should hear all the evidence and was ready with affidavits and experts for the hearing the Board ordered in December.

Mr. Shevin noted that the Board's consideration would not pre-judge the suit as it does not go to the issue of the plat covenants. He pointed out that a hearing before the Board would not provide for interrogation of witnesses, etc.

Mr. O'Malley felt that a hearing might be held. The Governor pointed out the record was not too clear as to whether or not the Director was to appoint a hearing officer, and there was no provision under administrative rules. Mr. Stone in December had requested a hearing officer because the staff had not taken a position on whether this was sovereignty land; if not sovereignty, to conduct a hearing might be time wasted, he thought, and the Trustees should hear the evidence.

Mr. Stone's suggestion that the Trustees set their own hearing and allow Mr. Turner to present all his evidence at the next meeting was approved without objection.

In reference to Mr. Turner's mention of biologists and algologists Mr. Kuperberg pointed out that, because of recent alterations by man, a biologist or a surveyor can show that there is now a pond of water on Snapper Point, but the staff's contention is that historically this land is not sovereign in nature.

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PALM BEACH COUNTY - After-the-Fact Dredge and Construction
 Permit No. 253.123-856
 (Revised July 5, 1973)

APPLICANT: CGC Corporation
 c/o Foresight, Inc.
 201 North Federal Highway
 Deerfield Beach, Florida 33441

PROJECT: To dredge an upland canal, 925 feet long by 70 feet wide, to -8 feet mean low water connecting with the Intracoastal Waterway, with spoil to be placed on uplands; to construct approximately 2,060 feet of concrete vertical seawall (140 feet of the proposed seawall along the Intracoastal Waterway will have riprap placed on the waterward side) and to construct a dock 100 feet long by 5 feet wide within the canal.

LOCATION: Section 4, Township 47 South, Range 43 East, Town of Highland Beach, Intracoastal Waterway, Palm Beach County, not in an aquatic preserve.

MATERIAL: Amount of material to be dredged is unknown.

PAYMENT:

STAFF REMARKS: Field Operations recommends denial of this application. Our field inspector's report indicates that work has been performed without a Trustees permit.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - If a permit has not been issued for any of the originally proposed work, this application is in part after-the-fact. A bulkhead and riprap has been placed on submerged lands (Fig. 1); 7.5 acres of mangrove tidelands reported in our letter of September 29, 1971 have been filled; and the canal is connected to the Intracoastal Waterway through a 5-foot-wide break in the dike at its mouth. The adjacent property owner to the south has also eliminated extensive growths of mangroves and littoral bottoms through the excavation of a canal and filling; however, this work was apparently performed with a permit.

The extensive excavation of canals and elimination of mangrove tidelands in the West Palm Beach area has undoubtedly contributed to the reduction of fish populations and other marine life. Destruction of the mangroves eliminates an important source of nutrients which sustain estuarine-marine food chains and a natural filter system which helps maintain water quality, while canals and waterfront development generate deleterious effects on water quality. To best prevent further degradation of estuarine and marine biological resources, filling tidelands and creation of waterfront property through the construction of canals should cease. The proposed connection of a canal to the Intracoastal Waterway and elimination of littoral bottoms by dredging and filling would contribute to further degradation of aquatic biological resources.

Bureau of Beaches and Shores - January 16, 1974: The hydrographic survey for this project has been reviewed and the following comments are offered:

A flushing analysis was conducted by measuring the dissipation of dye tracer in an existing canal adjacent to the project site. The measurements so obtained were used to determine a dispersion (or mixing) coefficient; and using this coefficient, a numerical model of the proposed canal was formulated. Analysis of this model led to the following conclusions:

1. Assuming a pollution event occurred within the canal and assuming that only unpolluted water was introduced into the canal on the succeeding flood tides, then at least 90% of the pollutant would be flushed from the canal within 44 hours.

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2. The artificial circulation system may have some beneficial effects resulting from aeration of the water; however, it has little significant effect on enhancing the flushing within the canal.
3. The water flushed from the canal appeared to mix readily with the water of the Intracoastal Waterway. However, the replenishment of the water within the Intracoastal Waterway appeared to be a very slow process as evidenced by the build-up of dye within the Intracoastal Waterway.

Two conditions witnessed during the study should be mentioned. During the dye study, a density instability was observed. This apparently resulted from the runoff of fresh water into the Intracoastal Waterway following a minor rain. Such runoff will lower convective transport of less dense water into the canal. Such a condition leads to relatively rapid replenishment of water within canals similar to the test canal. Since information is not available on the frequency of such salinity fluctuations, it is impossible to tell whether the conditions measured during the dye study were characteristic for the project site.

One of the assumptions made in the flushing model was that only pristine water was introduced into the canal on the flood tide. This assumption may be somewhat misleading since the field study showed that the dye flushed from the canal was mixed with the water of the Intracoastal Waterway and that a portion of the dye was reintroduced into the canal, in a diluted state, on the succeeding tide.

In summary, it appears that relatively free exchange of water would occur between the proposed canal and the Intracoastal Waterway. Water flushed from the canal, however, would tend to remain in the Intracoastal Waterway for a prolonged period. This is not a unique feature of the particular canal tested but is generally true of the great number of similar canals that already exist in the general project area.

Game and Fresh Water Fish Commission - September 4, 1973: The applicant's revised proposal to open an existing dead-end canal into the Intracoastal Waterway necessitates the following comments and concern. As previously recommended by the Department of Pollution Control, several modifications are proposed for the subject canal. These include a water circulation pumping system, and a modified elevation in canal depth to 5 feet. Although these modifications would somewhat initially alleviate expected water quality problems and biological degradation to fish and wildlife habitat in the receiving waters, we felt that they are insufficient and not in the best interest of long range environmental protection.

Therefore, we recommend that a vegetated earthen plug should be permanently maintained at the mouth of the canal to insure water quality in the intracoastal canal, which already suffers from numerous dead-end canal systems.

DEPARTMENT OF POLLUTION CONTROL - February 21, 1974: The Department has conducted a detailed review of the subject project. Projects such as this one which contain mechanical devices to induce water circulation are prone to be questioned as to the need for such a device. Projects of this type are not presently receiving favorable comments due to the inherent degradation of water quality in long canals and associated developments.

The Department, in the past, indicated that it did not have any objections, and since then, numerous conversations and correspondence with the applicant and/or his agents have taken place. The agents have indicated that the applicant will provide suitable covenants concerning the care and maintenance of the canal, bulkheads and tidal pump, which will be part of the certification.

The Department will require that the tidal pump and culvert arrangement be of sufficient energy and capacity for the desired circulation. The applicant will be advised that the water quality monitoring requirements will be such to detect any water quality degradation. In the event of any water quality degradation occurring, a solution to the source of the problem shall be taken. Surface runoff shall not flow directly into the canal.

Certification will be issued pending notification of approval by the Board of Trustees.

- OTHERS: 1. The Palm Beach Board of County Commissioners at its regular meeting of June 12, 1973, found the subject project to be in the Public Interest.
2. The Florida Inland Navigation District in its letter of August 6, 1971, states that it has no objection to the subject project.

Staff recommends denial of the dredge and construction permit on the basis of deleterious effects upon aquatic biological resources.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Christian, seconded by Mr. Shevin, that the Board approve the staff recommendation for denial.

Mr. Kuperberg called on Mr. J. W. Carr of the Trustees' staff to read a brief resume of the files with dates from the original dredging application filed in 1971 (abandoned), an application in March 1972 to the Department of Pollution Control for a revised project, Palm Beach County moratorium imposed in 1972, revised comments received in July 1973, hydrological survey obtained in early 1974, and placement on this agenda at the applicant's request.

The Executive Director said the staff recommended denial based on adverse comments from all environmental agencies (Department of Pollution Control subsequently did reverse its position), part of the work being done below mean high water, and the dead-end canal resolution. The applicant did have authority to dig the canal on his upland, but work on uplands in anticipation of connecting to state waters was the subject of the October 1972 resolution, 500 copies of which had been sent out.

Treasurer O'Malley had received much information and was greatly concerned as a matter of principle that applicants not be treated differently or unfairly. He pointed out that other properties north and south of this had been allowed connection to the Intracoastal Waterway even with no hydrological studies and no construction on their uplands, this access would be in line with the others and with riprap seawalls, the applicant had gone from agency to agency, constructed townhouses with all city and county permits, revised his application and spent \$35,000 for a pumping fountain to comply with DPC recommendation. Mr. O'Malley agreed that construction should not be done in anticipation of connection to state waters, but he thought this was a hardship situation with denial unreasonable and found it hard to believe that removing the plug (between upland canal and waterway) would damage the Intracoastal Waterway particularly.

Governor Askew suggested that the applicant created the hardship by digging the canal on upland, that the staff had some evidence of work involving the navigable waters having been done without permit, and that other owners might build canals on uplands and an economic case for their connection to public waters.

Mr. John H. Patterson of the firm of Mershon, Sawyer, Johnston, Dunwody and Cole, and Mr. Joe Payson of Foresight, Inc., were present on behalf of the applicant. Mr. Patterson sharply disagreed with some of the statements and felt the agenda was misleading and prejudicial to this project that has had an application on file continuously since the summer of 1971, amended on at least three occasions to comply with agency requests. This property lies between AIA and the east right of way line of the Intracoastal Waterway, a land cut at this section through upland conveyed by the Trustees in 1885 and 1890, a small portion having been submerged land conveyed by the Trustees in 1952. Predecessors in title owned all upland on both sides at the time condemnation was brought in the 1930's for the waterway, this applicant owns fee simple title to the east right of way line of Intracoastal Waterway, and all of the work was within the property line. Mr. Patterson said the dead-end canal policy was adopted about six months after the applicant filed his amended application and was substantially under way with construction of the townhouses. Also, all the applicant's work would be 5 feet inside his property line.

Mr. Conner said the Board should be consistent; he could not reconcile any great difference between this case and the one represented by Mr. Marshall Criser.

After considerable discussion, questions, examination of maps and pictures, the Commissioner of Education withdrew his motion to deny.

Attorney General Shevin noted the equities as this applicant expended \$35,000 to comply with the DPC recommendation; but permission was still needed to make connection to public waters, this application was filed after adoption of the canal policy, and he would vote against approval.

Motion by the Treasurer, seconded by the Comptroller, was passed on a five to two vote, with the Attorney General and Governor voting "No", to overrule the staff recommendation and approve the project with seawall to the same alignment as adjoining properties which is the eastern boundary of the Intracoastal Waterway, not to remove the "plug" until these areas have been riprapped, subject to certification from the Department of Pollution Control with the requirement for installation and maintenance of the pumping fountain recommended by that agency, with access 8 feet in depth sufficient for navigation to the Intracoastal Waterway.

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VOLUSIA COUNTY - Public Hearing regarding an
Erosion Control Line
(April 1, 1974)

This item is being placed on the agenda as an addendum by the staff as an emergency matter.

APPLICANT: Ponce de Leon Port Authority
c/o Leon Van Wert
523 North Halifax Avenue
Daytona Beach, Florida 32018

PROJECT: To establish an erosion control line in accordance with the provisions of Chapter 161, Florida Statutes, for the purpose of beach nourishment

LOCATION: Sections 29, 30, 37, Township 16 South,
Range 34 East, Volusia County, not in
an aquatic preserve.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES - This agency certifies that severe beach erosion has occurred in the area encompassed by the project and that the beach has been substantially destroyed and may be completely destroyed in the immediate future unless a publicly-financed program is undertaken.

OTHERS: Ponce de Leon Port Authority, as the Beach Erosion Control District, by resolution adopted March 25, 1974, requests the Board of Trustees to establish an erosion control line.

Staff recommends that the Executive Director or his designee be authorized to hold a public hearing pursuant to the provisions of Chapter 161, Florida Statutes, and report to the Trustees for further disposition on their part, with reference to the requested erosion control line and beach nourishment project.

ACTION OF THE TRUSTEES:



On motion by Mr. Stone, duly adopted, the rules were waived and an addendum considered.

In response to Mr. Shevin's inquiry as to whether it was a true emergency, the Executive Director explained that the day after the agenda was printed the staff learned of the situation, was in contact with the office of the Corps of Engineers and State Attorney Stephen L. Boyles in Daytona Beach, and understood that individuals are laying claim to land that the Corps advised was not spoil area.

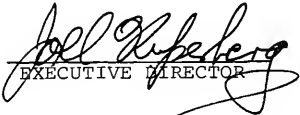
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On motion by Mr. Stone, seconded and adopted without objection, the staff recommendation was approved.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - 
CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

* * * * *

Tallahassee, Florida
April 16, 1974

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Haydon Burns Building with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Floyd T. Christian	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

On behalf of the Cabinet, Commissioner Conner presented and moved the adoption of a resolution of appreciation to John W. DuBose for his eleven years' service on the staff of the Trustees. Mr. DuBose has accepted the position of staff director of the Committee of Natural Resources of the Florida Senate.

Treasurer O'Malley seconded the motion that was adopted unanimously. Copy of the resolution is attached and made a part of these minutes.

Governor Askew expressed congratulations to Mr. DuBose on his new assignment and the best wishes of the members of the Board of Trustees.

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MONROE COUNTY - Florida Bay, U. S. v. Florida

Honorable Fred N. Tittle, Jr., has requested this time on the agenda to address the Board on behalf of the House Committee on Natural Resources of which he is Vice-Chairman. The Committee is concerned about the possible consequences of the report of the special master appointed by the Supreme Court of the United States to take testimony in the case of U. S. v. Florida, involving the territorial boundaries of the state as they relate to Florida Bay. Judge Albert B. Maris, the special master, has filed a report which, in effect, turns down all the state's historic claims to Florida Bay.

ACTION OF THE TRUSTEES:

The report concerning the dispute over the outer limits of Florida Bay and the boundaries of the State of Florida was taken up, in order to allow Representative Fred N. Tittle, Jr., to make a presentation.

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Mr. Tittle spoke of his grave concern and the importance of this special master's report on territorial boundaries of Florida Bay, also related to the Atlantic Ocean boundaries and affecting many areas of the state. He had brought to the attention of the House Natural Resources Committee, the Governor and the Cabinet a news article on the special master's report. Mr. Tittle said the Attorney General's office, having diligently worked on this matter, could give the Board a full report and the Board might consider the propriety of setting a meeting to discuss whatever action is needed. The House Natural Resources Committee would watch the proceedings, with great interest.

Governor Askew assured Mr. Tittle that the Board was concerned and would do everything possible to assert Florida's claim. Mr. O'Malley spoke of a TV news statement regarding the special master's report and suggested that the Board try to trace that expression of attitude.

Attorney General Shevin said he would file very strong exceptions to the findings of the special master, as he thought the report indicates a predilection toward undermining the jurisdiction of the State of Florida. Mr. Dan Dearing, General Shevin's chief Trial Counsel, added that the primary concern of the Department of Legal Affairs was that the questioning of Florida's boundaries by the United States tended to indicate that the 11th Amendment does not mean very much.

The Governor expressed the Board's appreciation to Mr. Tittle for taking the time to bring this information.

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On motion duly adopted, the minutes of March 19, 1974, were approved.

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LEE COUNTY - Application for Disclaimer
File No. 2517-36-253.129
(November 20, 1972)

STAFF DESCRIPTION: A parcel of filled sovereignty land above the line of mean high water, in Matlacha Pass, Section 25, Township 44 South, Range 22 East.

- A. CITY AND COUNTY: Lee County
- B. APPLICANT: William F. Sutton, et ux
- C. APPLICANT'S REPRESENTATIVE: J. Tom Smoot, Jr., Attorney
Post Office Drawer LL
Fort Myers, Florida 33902
- D. ACREAGE: 0.04
RATE PER ACRE: Not Applicable
- E. PURPOSE: Not Applicable
- F. ECOLOGICAL RESPONSES: Not Applicable
- G. STAFF REMARKS: The application is filed under the provisions of Section 253.129, Florida Statutes, which provides, "The title to all lands heretofore filled or developed is herewith confirmed in the upland owners and the Trustees shall on request issue a disclaimer to each such owner." A portion of the parcel adjoins filled land that is riparian to State Road 78. The Department of Transportation disclaimed interest in the parcel on August 15, 1963. Two affidavits have been submitted which state that the fill was completed prior to 1951.

Field Operations has no objection to granting a disclaimer to the land, which is above the line of mean high water.

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\$100 processing fee has been submitted.

Staff requests authority to issue the disclaimer.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized issuance of the disclaimer.

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DIXIE COUNTY - Marina License and Construction Permit 15-30-1018E
(October 12, 1973)

APPLICANT: Billy G. Rallison
General Delivery
Horseshoe Beach, Florida 32648

PROJECT: To construct a boat hoist 30 feet long by 13 feet wide, to occupy 221 square feet of state-owned submerged land.

LOCATION: Section 14, Township 12 South, Range 10 East, Gulf of Mexico, Dixie County, not in an aquatic preserve.

MATERIAL: No dredging involved in this project.

PAYMENT: \$100 received as minimum annual marina license fee.

STAFF REMARKS: Field Operations Division recommends approval of the exemption application as received.

Staff recommends issuance of a construction permit and marina license at the minimum annual fee of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees approved issuance of the permit and marina license.

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TAYLOR COUNTY - Renewal of Marina License Permit No. ML-15
Expiration Date: November 10, 1973

APPLICANT: L. E. Files
Post Office Box 109
Steinhatchee, Florida 32359

PROJECT: To renew Marina License No. ML-15 for one year.

LOCATION: Section 25, Township 9 South, Range 9 East, Steinhatchee River, Taylor County, not in an aquatic preserve.

MATERIAL: No dredging involved in this project.

PAYMENT: \$100 received as minimum annual fee covering 5,000 square feet of sovereignty land.

STAFF REMARKS: Field Operations Division reports that construction appears to have been carried out in accordance with the submitted drawings.

Staff recommends renewal of the marina license at the minimum annual fee of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, renewal of the marina license was approved.

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ESCAMBIA COUNTY - Marina License and Construction Permit 17-30-2144
(January 12, 1974)

APPLICANT: Diamondhead Corporation
c/o C. J. McGuire
Post Office Drawer C, Daphne, Alabama 36526

PROJECT: To construct a barge unloading dock, 64 feet wide
by 34.10 feet long and install 4 timber dolphins,
covering 20,224 square feet of state-owned sub-
merged land to be occupied by the facility.

LOCATION: Section 32, Township 9 South, Range 32 West,
Old River, Perdido Key, Escambia County, not
in an aquatic preserve.

MATERIAL: No dredging involved in this project.

PAYMENT: \$404.48 received as payment for annual fee for
a marina license.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed dock construction should not significantly affect marine biological resources. Possible long-term adverse effects on water quality from use of the dock and adjacent dune area should be evaluated by appropriate agencies.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effect. The applicant, however, is advised to reconsider the shallow footing proposed for the landward end of the proposed structure since such foundations can be easily undermined by erosion.

Game and Fresh Water Fish Commission - The proposed dock is a small part of a major condominium development. Its long range, indirect effects on the resources of the area will depend on the nature and intensity of the upland development and any future plans for work in state waters. The actual construction of the proposed dock, however, should have only minimal direct effects on the marine life and associated wildlife of Perdido Bay. We, therefore, have no objections to the issuance of this permit.

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500, this will certify that the following project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of the Environmental Protection Agency and have been proposed as the effluent limitations under Section 301 (b), Public Law 92-500, Federal Water Pollution Control Act. The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same. This certification is issued on the basis that the water quality will not be degraded. Degradation may be allowed where degradation will not reduce water quality below the existing water classification for the area and the project has been deemed by the Department of Pollution Control to:

1. Not be detrimental to the best interests of the state, and
2. Is necessary to the state's social and economic development.

At the time of the issuance of this certification, there are no Federal limitations or other limitations under Sections 301 (b), 302, 306 and 307 of the Federal Water Pollution Control Act (Public Law 92-500).

You are cautioned that in the review of this barge dock application, the Department did not determine if the Old River presently provides sufficient navigational access. Please be advised that should the barges and tugs create a water quality pollution problem in the river, you will be subject to enforcement action by this Department.

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The applicant is hereby required to notify the Department of Pollution Control's Regional Office of the schedule of the project before beginning any work covered by this certification. All testing data shall be submitted to the Department of Pollution Control's Regional Office.

Staff recommends issuance of the marina license and construction permit subject to stipulations for water quality certification as issued by the Department of Pollution Control at the annual fee of \$404.48.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Dickinson, seconded by Mr. Stone and passed without objection, to approve the application.

Mr. Kuperberg advised the members that as this would be part of a large project, the staff had cautioned the applicant that state agencies were not approving the whole plan by this action.

Without objection, the motion passed to approve issuance of the marina license and construction permit subject to the stipulations for water quality certification.

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BREVARD COUNTY - Marina License and Construction Permit
No. 05-30-1395
(Revised February 19, 1974)

APPLICANT: Joseph R. Mizerek
901 Southeast Port Malabar Boulevard
Palm Bay, Florida 32905

PROJECT: To construct 1,842 linear feet of pier and docking facilities encompassing 86,957 square feet of sovereignty land, with 6-foot wide top decking, 47 finger piers, 80 mooring dolphins and install 600 feet of riprap seawall along the existing shoreline.

LOCATION: Section 14, Township 30 South, Range 38 East, Indian River, Brevard County, in aquatic preserve A-6 and within a tidal area and a buffer zone for an approved shellfish harvesting area.

MATERIAL: No dredging involved in this project.

PAYMENT: \$1,739.14 received as annual fee payment for 86,957 square feet of state-owned submerged land to be occupied by the marina facility.

STAFF REMARKS: This item was on the February 19, 1974 agenda as an addendum at the request of the Secretary of State. On March 19 (as item #24) it was deferred.

ECOLOGICAL RESPONSES:

Department of Natural Resources, Survey and Management - February 26, 1974: The revised application includes a nearshore perimeter pier connecting to the three originally proposed piers and relocation of the middle pier. This portion of the application is essentially the same as the original application and our comments of November 21, 1973 still apply: Our primary concern is that indirect adverse effects to estuarine biological resources can be expected to occur as a result of long-term degradation of water quality, a subject best addressed by the Department of Pollution Control. The proposed riprap revetment at the existing shoreline should not significantly affect aquatic biological resources. Bureau of Beaches and Shores - A hydrographic survey will not be required. The information provided with the revised application is somewhat sparse; however, we have been advised that the project consists only of the lining of the existing shoreline with riprap and the construction of three piers supported on piles. It is improbable that such a project would have significantly adverse hydrographic effects. November 21, 1973: The subject area is within an Aquatic Preserve and Class II Waters.

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Although it is not within the approved shellfishing area, the subject area is part of a buffer zone, according to a Brevard County Health Department biologist. The proposed dock construction should not have immediate significant adverse effects on estuarine biological resources provided siltation is controlled and disturbance to bottoms is minimized. However, marina activities in this area can be expected to pose a threat to the long-term health of the adjacent public waters, a subject which, no doubt, will receive close review by the Department of Pollution Control. Bureau of Beaches and Shores - A hydrographic survey will not be required. This application indicates that only the construction of piers and docks is proposed. It is improbable that this construction will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - January 8, 1974: This agency offers no objections to issuance of the permit.

Department of Pollution Control - On the basis of a preliminary review of the fourth revision of the subject project, (dated February 20, 1974) the Department of Pollution Control must object for the following reasons:

1. The proposed marina is located in Class II waters of a State Aquatic preserve. Severe water quality problems are usually associated with facilities of this nature and since the Department of Pollution Control is the State Agency responsible for protecting, maintaining, and improving water quality, the Staff cannot approve the construction of a marina in the proposed location.
2. Even if the marina project was located in another area, the application received is incomplete and does not include all the necessary information for proper review. The Department questions the exact location of the proposed riprap bulkhead in relation to nearshore vegetation and the mean high water line in the area, the plans, if there are any for preserving existing shoreline vegetation, the proposed drainage of storm water runoff, the exact method of controlling disposal of sanitary wastes and other wastes that attributed to marine operations, the exact method of constructing the proposed docks and/or wave reflecting barriers, and the plans for keeping or removing the old, deteriorated barges that are located in the offshore waters.
3. The Department cannot ignore the fact that the Brevard County Health Department has requested the Department of Pollution Control to deny water quality certification for this project.

OTHERS: On February 14, 1974, the Brevard County Board of County Commissioners approved placement of riprap along the mean high water line for shoreline protection only.

Staff recommends the marina license and construction permit be denied.

ACTION OF THE TRUSTEES:

The Trustees had considered and deferred Mr. Mizerek's application on February 19 and March 19, 1974. The staff continued its denial recommendation based on adverse comments from the environmental agencies.

Mr. Stone made a motion, seconded by Mr. Shevin, to accept the staff recommendation to deny the application for permit.

Mr. Mizerek said all he was asking for was a marina with about 40 docks for use by the commercial fishermen of that area of Florida. He pointed out that fishing fleets from Cuba could fish in these waters and asked for whom the fish and marine resources were being protected. He said he did not understand the continued objections of the Department of Pollution Control; he had furnished to that department plans and photographs, talked a number of times to staff members and had been told that the department was going to change its recommendation and would ask for a variance.

Mr. Stone was willing to withdraw his denial motion and suggested deferral for one month if the applicant thought he might obtain that change from the Department of Pollution Control. The Governor added that if DPC did not remove its objections, there was no way the Trustees could approve the application.

Mr. O'Malley mentioned pertinent comments from the environmental agencies. He had been impressed by the snapshots of the area and the applicant's desire to improve it, but as it appeared that more than a layman's approach was needed, Mr. Mizerek should consult the professional people of the Brevard County Department of Health and obtain the services of a professional firm available to private citizens (the names of some of which the staff might suggest) to handle his application with the various agencies.

Mr. Stone made a substitute motion, passed without objection, to defer further consideration of this application until such time as the Department of Pollution Control has taken action.

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BREVARD COUNTY - Construction Permit No. 05-39-2506
(February 8, 1974)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304

PROJECT: To construct a sediment basin 220 feet long by 60 feet to 140 feet wide, with sloping riprap to be placed along the existing shoreline.

LOCATION: Section 16, Township 27 South, Range 37 East, Indian River, Melbourne, Brevard County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: Not applicable.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Construction of a curb and gutter along State Road 518 will concentrate runoff giving rise to point discharge. The Department of Transportation proposes to construct a sediment basin and trash retainer at the discharge site. The proposed sediment basin and trash retainer site is filled land adjacent to the Indian River. The proposed structure, although it will not remove dissolved solids and colloidal particles, is a major step toward reducing the increasing threat to the state's marine resources from the runoff from automotive traffic and road construction.

Bureau of Beaches and Shores - The plans for the subject project have been reviewed by the Bureau and a hydrographic survey will not be required. It is improbable that this project will have any significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Although we have no recommendations concerning this specific outfall, we do have indications that outfalls of this type transmit pollutants, from roadways and urban areas, into open waters. The addition of these pollutants into lakes, rivers or streams accelerates the eutrophication process or adds harmful elements which alter the ecological processes needed to sustain a variety and diversity of aquatic life. For the above reasons, we take this opportunity to encourage the research and development of new processes of controlling storm drainage. Methods should be devised to eliminate pollutants from directly entering open water bodies.

DEPARTMENT OF POLLUTION CONTROL - This office has no objections to the construction of the above proposed sediment basin. We stringently recommend that adequate maintenance of the basin be performed at regular intervals and that a small turbidity curtain be utilized during construction of the connection to the Indian River.

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Staff recommends issuance of the construction permit with stipulations that a turbidity curtain be utilized during construction of the connection to the Indian River and adequate maintenance of the basin be performed at regular intervals.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendations were approved as the action of the Board.

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DUVAL COUNTY - Modification of Dredge and Fill Permit 253.123-1153 and 253.124
(July 11, 1973)

APPLICANT: Jacksonville Port Authority
Post Office Box 3005, Jacksonville, Florida 32205

PROJECT: To modify the original dredge and fill permit issued August 9, 1972, to include an additional spoil area 1500 feet long by 300 feet wide to be added to the existing diked spoil site.

LOCATION: Sections 10, 20, 29, and 30, Township 1 South, Range 28 East, and Section 25, Township 1 South, Range 27 East, Duval County, not in an aquatic preserve.

MATERIAL: No dredging involved in the modification of the original permit.

PAYMENT: Not Applicable.

STAFF REMARKS: Field Operations Division recommends approval.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed 15-acre spoil area enlargement on Blount Island will not adversely affect aquatic biological resources. The designated area has been previously spoiled and is relatively devoid of vegetation.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that the use of the additional spoil site will have significantly adverse hydrographic effects. Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this revised proposal and has no objections.

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500, this will certify that the following project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of the Environmental Protection Agency and have been proposed as the effluent limitations under Section 301 (b), Public Law 92-500, Federal Water Pollution Control Act. The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same. The applicant is hereby required to notify the Department of Pollution Control's Regional Office of the schedule of the project before beginning any work covered by this certification.

Staff recommends issuance of a modified dredge and fill permit subject to the Department of Pollution Control's certification that water quality must meet class III water standards.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the Trustees authorized issuance of a modified permit subject to the stipulation with regard to certification by the Department of Pollution Control.

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MANATEE COUNTY - Dredge Permit No. 41-20-1332
(July 30, 1973)

I. Z. Mann and Associates, Inc., represented by Edgar M. Moore, attorney, applied for permission to perform maintenance dredging in an existing upland canal system to -7 ft. mean high water in Section 1, Township 35 South, Range 16 East, Palma Sola Bay, Manatee County. The material to be removed would be deposited on uplands.

Mr. Kuperberg requested addition to the staff recommendation of the words "and only those areas in canals less than 5 feet deep should be designated for maintenance dredging."

At the request of the Secretary of State, consideration of this application was deferred until the next meeting.

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MARTIN COUNTY - Dredge and Construction Permit No. 43-39-1439
(Revised February 4, 1974)

APPLICANT: Outboard Marine Corporation
c/o Heiman and Crary, Attorneys
201 First National Bank Building
Stuart, Florida 33494

PROJECT: To dredge 695 cubic yards of material from behind an existing seawall for construction of two boat slips 40 feet long by 20 feet wide, to -5.36 feet mean low water, two side piers 40 feet long by 4.6 feet wide with placement of sloping riprap shelves (PVC Pipe) beneath the pier decking, and one center pier 40 feet long by 4 feet wide.

LOCATION: Section 32, Township 37 South, Range 41 East, St. Lucie River, Stuart, Martin County, not in an aquatic preserve.

MATERIAL: 695 cubic yards of material will be removed and deposited on uplands.

PAYMENT: No payment required as the project location is in private ownership.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed boat slip site is an existing bulkheaded landfill adjoining the marina basin. Bottoms in the basin are covered by soft silt and for the most part exceed 5 feet deep (mean low water). The proposed construction of two boat slips, which will entail removing part of the concrete seawall and landfill, should not significantly affect estuarine biological resources provided the depth does not exceed 5 feet (mean low water) and siltation is controlled.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - We are deferring our comments on the above referenced project to the Survey and Management Section of the Department of Natural Resources.

DEPARTMENT OF POLLUTION CONTROL - This Department has reviewed the subject project and offers no objections. Certification will be issued upon notification of Trustees' approval.

Staff recommends issuance of a dredge and construction permit with the stipulation that siltation be controlled and adequate earthen plugs be left in place until water within the boat slips has cleared.

ACTION OF THE TRUSTEES:

Mr. Kuperberg requested modification of staff recommendation by adding "and the depth does not exceed 5 feet mean low water."

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On motion by Mr. Christian, seconded by Mr. Stone and passed without objection, the modified staff recommendation was approved as the action of the Board.

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OKALOOSA COUNTY - Maintenance Dredge Permit No. 46-39-0667
(Revised November 14, 1973)

APPLICANT: Directorate of Facilities Engineering, DFAE
Headquarters, United States Army Infantry Center
Room 148, Building 35
Fort Benning, Georgia 31905

PROJECT: To perform maintenance dredging in an existing navigation access channel 1,395 feet long by 30 feet wide, to -6 feet mean low water for removal of 5,500 cubic yards of material to be deposited on upland spoil sites.

LOCATION: Moreno Point Military Reservation, Township 2 South, Range 23 West, Choctawhatchee Bay, Okaloosa County, not in an aquatic preserve.

MATERIAL: 5,500 cubic yards of material to be dredged and deposited on upland spoil sites.

PAYMENT: Applicant requests waiver of processing fees and payment for material dredged from state-owned submerged land.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Our report, April 23, 1971, mentions that spoil materials should be placed on the eroded beach or on upland property. Since the current application conforms with this previous recommendation, the project should not have significant adverse effects on marine biological resources. However, the applicant should be notified that effective controls should be used during dredging operations where necessary to prevent excessive turbidity and siltation from damaging adjacent bay bottoms.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It should be noted that the application shows a proposed minimum depth of -6 feet mean low water and therefore is somewhat open-ended. If the project depth were maintained at -6 feet mean low water, it is improbable that significantly adverse hydrographic effects would result.

Game and Fresh Water Fish Commission - We offer no adverse comments provided adequate control of turbidity is maintained during the dredging operation.

DEPARTMENT OF POLLUTION CONTROL - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500. Turbidity control devices should be installed at the dredge and spoil locations to protect adjacent waters and bottom habitat in Choctawhatchee Bay. You are cautioned that any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such waters, as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida.

Staff recommends issuance of a dredge permit subject to installation of turbidity control devices at the dredge and spoil locations, waiver of processing fee, spoil to be deposited and utilized on public lands.

ACTION OF THE TRUSTEES:

Mr. Kuperberg requested modification of the staff recommendation by adding "with dredging to be limited to a depth of -6 feet mean low water."

On motion by Mr. Stone, seconded by Mr. Shevin and passed without objection, the modified staff recommendation was approved as the action of the Board.

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PALM BEACH COUNTY - Application for Private Easement
 File No. 2563-50-253.03
 (March 25, 1974)

In order to provide additional access to Gulf Stream Groves to facilitate removal of citrus products, Royal American Industries, Inc., applied to construct a private bridge across a 0.15-acre parcel of sovereign land in the Northeast Quarter of Section 32, Township 40 South, Range 42 East, Palm Beach County, not in an aquatic preserve, with no construction to be in the creek bottom. Exemption No. 50-37-2110E, Palm Beach County, for construction of the bridge was issued January 22, 1974, subject to applicant receiving an easement from the Trustees.

At the request of the Izaak Walton League, Secretary of State Stone asked for deferral until next meeting.

It was so ordered.

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PINELLAS COUNTY - After-the-Fact Construction Permit 52-12-1242
 (June 29, 1973)

APPLICANT: Joe Clemente, Jr.
 19817 Gulf Boulevard
 Indian Rocks Beach South Shore, Florida 33535

PROJECT: To construct 110 feet of vertical concrete seawall

LOCATION: Section 24, Township 30 South, Range 14 East,
 Narrows Intracoastal Waterway, Indian Rocks Beach
 South Shore Subdivision, Pinellas County, in
 Aquatic Preserve G-19.

MATERIAL: No dredging involved in this project.

PAYMENT: \$50.00 received as construction permit fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The seawall installation has evidently had limited adverse effects on marine life. The placement of riprap at the base of the seawall would provide a substrate useful to marine life and help dissipate wave action. The response by this office to a request for comments on this project should not be construed as endorsement of its construction prior to local and state approval.

Bureau of Beaches and Shores - A hydrographic survey will not be required. The information provided with this application is very sparse; however, we have been advised by Mr. Dick Clutter that the applicant desires to construct the proposed seawall at or landward of the surveyed mean high water line. It is improbable that such a seawall would have significantly adverse hydrographic effects. It should be noted, however, that stone riprap, placed on an appropriate filter at the seaward face of the seawall, would be beneficial at reducing wave reflection and scour at the toe of the seawall.

Game and Fresh Water Fish Commission - We are deferring our comments on the above referenced project to the Survey and Management section of the Department of Natural Resources.

DEPARTMENT OF POLLUTION CONTROL - This office has no objections to the subject project. We will issue certification pending notification of approval by the Trustees.

Staff recommends issuance of the construction permit with the stipulation that riprap be placed on an appropriate revetment mattress at the seaward face of the seawall.

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ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation was approved as the action of the Board. Mr. Kuperberg stated that the applicant agreed to comply with the recommendations of the Department of Natural Resources.

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OKALOOSA COUNTY - Marina License, Construction Permit
and Dredge Permit No. 46-30-2248
(Dock Permit Received 1-24-74 and
Dredge Permit Received 3-22-74)

APPLICANT: Kelly Boat Services, Inc. c/o C. L. Kelly
Post Office Box 187, Destin, Florida 32541

PROJECT: To construct four finger piers 53 feet long
by 8 feet wide and install 36 mooring pilings,
to occupy 131,917.65 feet of state-owned sub-
merged land; and to perform maintenance dredging
in an existing boat basin 642 feet long by 100
feet wide, to -3 feet mean low water.

LOCATION: Undivided Moreno Point in Township 2 South, Range
22 West, Destin Harbor (Old Pass Lagoon), Destin,
Okaloosa County, not in an aquatic preserve.

MATERIAL: 600 cubic yards of material will be removed
from state-owned submerged lands and deposited
at an upland spoil site.

PAYMENT: \$100 received as marina license fee which will be
deducted from the annual marina license fee due
(\$2,638.35). (Payment for 600 cubic yards of
material to be removed from state-owned submerged
lands at the Okaloosa County rate of 50¢ per
cubic yard has not been received).

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The depth within the marina is 4 to 6 ft. However, due to the shallower bottoms under the restaurant, dredging for navigation might be necessary. For some distance, other marinas line the shoreline adjacent to the applicant's. Seawall construction was being performed upland of the existing wall during the survey. Although the proposed construction will have limited adverse effects, it is recommended that the applicant use riprap in order to dissipate wave action within the marina and to provide habitats for marine life. The introduction of stormwater runoff and pollutants usually associated with such a commercial enterprise can be expected to effect long-term degradation of the adjoining public waters. Close review by the Department of Pollution Control is indicated.

Bureau of Beaches and Shores - A hydrographic survey will not be required. The information provided with this application is somewhat sparse and complete plans for the proposed work are not included. However, if the proposed concrete bulkhead is to replace (i.e., same location) an existing timber bulkhead and if the proposed piers are to be constructed on piles so as not to obstruct the water movement in the area, then it would be improbable that the project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - The applicant is presently installing a concrete bulkhead several feet landward of an existing wooden bulkhead. When this is completed, he plans to remove the old bulkhead and the sand between the two seawalls. We have no objections to this part of the proposal. A major feature of the new seawall is the system of storm runoff sediment traps. We have no objection to these traps but suggest a modification of the proposed routing of runoff water to them. Current plans have storm water running over an asphalt parking lot immediately before it enters the sediment traps and discharges into the bay. The use of a ten foot wide grassed waterway through this asphalt surface would offer additional filtering capacity as well as

reducing the total area of impermeable surface to be drained. The exact location would depend on the slope of the parking lot but should be located to intercept the runoff from this lot. A major portion of the runoff at this site appears to be from the area behind the marina. Retention of the existing natural shrubs (sand live oak) on the steep hill behind the parking lot, reduction of pavement to an absolute minimum in this area and the maximum use of vegetation in and around the parking lot will reduce the volume and velocity of water and accompanying pollutants entering the bulkhead sediment traps. This should decrease the frequency of sediment trap cleanings as well as reducing the discharge of pollutants into the state waters.

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500, this will certify that the following project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of the Environmental Protection Agency and have been proposed as the effluent limitations under Section 301 (b), Public Law 92-500, Federal Water Pollution Control Act. The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same.

The proposed bulkhead mentioned on the original application has already been constructed landward of existing structure. Other marina improvements include the reconstruction of docks and the removal of silt and sandy sediments down to minus three (-3) feet mean low water from offshore bottoms in Old Pass Lagoon. A storm water outfall was originally planned but this was later deleted in accord with our agency recommendations. Our regional office has reviewed revised drainage plans for the project and reports that the measures taken appear sufficient to control this water quality problem.

The marina is located in the north side of the lagoon in the Undivided Moreno Point Section, Township 2 South, Range 22 West, Okaloosa County.

Conditions of Project Certification

1. The applicant must submit additional information explaining the provisions that will be made for sanitary waste removal and other waste removal from boats. The facilities must be approved by our regional office. Until approved, the dockage should be restricted to vessels without sanitary facilities.
2. The applicant must also provide information on the enforcement policy that will be used to control the leakage of oils or fuels and the disposal of bilge wastes during marina operations.

The applicant is hereby required to notify the Department of Pollution Control's Regional Office of the schedule of the project before beginning any work covered by this certification. All testing data shall be submitted to the Department of Pollution Control's Regional Office.

Staff recommends issuance of the dredge, construction and marina license at the annual fee of \$2,638.35 with the following stipulations: (1) Conditions for issuance of the water quality certification as required by the Department of Pollution Control; (2) The applicant to use riprap in order to dissipate wave action within the marina and to provide habitats for marine life, and (3) Receipt of \$300.00 for dredge material fee and \$2,638.35 for annual marina license fee.

ACTION OF THE TRUSTEES:

Mr. Kuperberg requested deletion from the staff recommendation of (2) which was impractical due to the narrowness of the piers and (3) because the payments have been received from the applicant.

On motion by Mr. Stone, seconded by Mr. Christian and passed without objection, the staff recommendation with the first stipulation was approved as the action of the Board.

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PALM BEACH COUNTY - Renewal of Marina License Permit ML-5
(Expiration Date, August 25, 1973)

APPLICANT: Sailfish Club of Florida
North Lake Trail, Palm Beach, Florida 33480

PROJECT: To renew Marina License ML-5 for one year.

LOCATION: Section 3, Township 43 South, Range 43 East,
Lake Worth, Palm Beach County, not in an aquatic
preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$1,896.30 received as payment of fee covering
94,815 square feet of sovereignty land.

STAFF REMARKS: Field Operations Division reports that construction
appears to have been carried out in accordance
with the submitted drawings.

Staff recommends renewal of the marina license at the annual
fee of \$1,896.30.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed
without objection, renewal of the marina license was approved.

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FRANKLIN COUNTY - Correction of Agenda, Temporary Easement
for Dredging, File No. 2551-19-253.03

On April 2, 1974, agenda item #11-B, the Trustees approved the
application of the Department of Transportation (DOT Section
49010-2504) for right of way easement and temporary easement
for public highway purposes, State Road 30, in the following
location:

7.09-acre parcel for easement and 14.21-acre parcel
for temporary easement in Crooked River, Sections 19
and 30, Township 7 South, Range 4 West, Franklin County,
not in an aquatic preserve.

A 15.10-acre parcel should have been included in the temporary
easement in Crooked River, Sections 19 and 30, Township 7 South,
Range 4 West, Franklin County, but was inadvertently omitted in
the agenda item.

Staff requests authority to correct the agenda and to show in the
minutes of the April 2 meeting the approval for issuance of the
temporary easement covering the 14.21-acre and the 15.10-acre
parcels.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed
without objection, the corrections were approved.

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BAY COUNTY - Correction of Agenda, Utility Installation
Permit No. 03-33-1902

On March 19, 1974, agenda item #22, the Trustees approved the
application of Gulf Power Company to install 200 feet of 115
KV overhead electric transmission line to be supported by
5 steel towers and to drill 4-inch by 75-foot deep core samples
in Sections 33 and 34, Township 3 South, Range 15 West, St. Andrews
Bay, Panama City, Bay County, not in an aquatic preserve. No
dredging is involved.

The agenda should have shown 5,565.2 feet, instead of 200 feet.

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Staff requests authority to correct the agenda and to show in the minutes of March 19 approval of the utility installation permit with the stipulation that special care be taken to control siltation, as in the original March 19 agenda.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the correction was approved.

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VOLUSIA COUNTY - Temporary Easement for Maintenance Spoil
Area Permit No. 2565-64-253.03
(April 4, 1974)

APPLICANT: U. S. Army Corps of Engineers, Jacksonville District
Post Office Box 4970
Jacksonville, Florida 32201

PROJECT: A five-year easement for a spoil area to deposit approximately 350,000 cubic yards of material above the line of mean high water within and on the north side of Ponce de Leon Inlet.

LOCATION: 37 acres, more or less, abutting A. Pons Grant, Section 37, Township 16 South, Range 34 East, Ponce de Leon Inlet, Volusia County, not in an aquatic preserve.

MATERIAL: Not applicable

PAYMENT: Not applicable

STAFF REMARKS: The material to be spoiled will be obtained from the maintenance dredging of the federal channel. The placement of the spoil is to strengthen the natural closure of a February 1973 breakthrough.

ECOLOGICAL
RESPONSES: Awaiting ecological responses

Staff requests authority to issue the temporary easement, as to any interest the Trustees might have in the parcel, for a maintenance spoil area for a period from April 16, 1974 to April 16, 1979.

ACTION OF THE TRUSTEES:

The Executive Director explained that the Department of Natural Resources did not report any pollution problem posed by the project. The staff, while recognizing the responsibilities to maintain navigation access by the Corps of Engineers which was proceeding under an easement issued to the Ponce Inlet Authority, felt that the state has an interest in the land mass inside the inlet and an easement from the state was needed to protect whatever rights the State of Florida may have to the area the Corps will spoil upon.

Mr. Ed Salem of the United States Army Corps of Engineers, representing Colonel Emmett C. Lee, Jr., District Engineer, used many maps and slides in describing Ponce de Leon Inlet as a natural inlet in the vicinity of Daytona Beach used for navigation over 200 years and historically very unstable with shifting tidal channels and sand build-ups. He discussed measures taken to improve stabilization, maintenance dredging and pumping sand on adjacent beaches, close monitoring of inlet conditions that now show signs of stabilizing a usable, uniform channel. He explained that placing some of the dredged sand in the 1973 breakthrough would increase tidal circulation in the main channel and help flush the Halifax River, and other sand would be used to restore two stretches of eroded beach on the north side of the inlet.

Mr. Hank Phillips, a hydrology expert who had made special studies of this inlet, the vicinity of Port Orange Causeway and up and down the Halifax River, did not think the small flow coming through the breakthrough channel would help flush the river, already obstructed by the causeway and other obstructions.

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Mr. Donald Sessions said the second channel should be preserved to increase flushing and reduce pollution of the river that had been adversely affected by the jetty system, other tidal flow impediments and effluent from several cities on the river. He asked that all the dredged sand be placed on eroded beaches but that no contract be awarded until all provisions of the National Environmental Policy Act and other laws are fully complied with.

Mr. Gaulden Reed, of the Anti-Pollution Control Board of Volusia County, told of his several years' study of the problems and efforts in opposition to the project because as proposed it would not increase the tidal flow in Halifax River.

Mr. W. Richard Every, life-long resident of the area and attorney for land owners north of the inlet, urged the Board to base its decision on the experts' testimony, hydrological engineering reports and scientific studies by the Engineering and Industrial Experiment Station at the University of Florida.

Mr. Robert Hood, Administrator of Ponce de Leon Port Authority, said there were public hearings by the Authority, which concurred in the Corps project, and by Volusia County Commissioners who voted four to one in favor; owners had granted easement for the work and if the state claims the land an easement was also needed from the state.

Responding to the Governor's questions regarding payment for the dredged material by beachfront property owners, Mr. Kuperberg explained that there will be an after-the-fact erosion control line established. Substantially all of the material will be pumped above the present mean high water line as the shoreline has receded considerably and those owners are entitled to have material lost by erosion replaced on the beach. Mr. Kuperberg mentioned that the fill policy of June 19, 1971, granted special consideration for beach nourishment projects because of the value of beaches to the State of Florida.

Mr. George Pandapas, the majority owner of the property involved, having lost about 200 feet of beachfront, asked that the Corps of Engineers be permitted to rectify the fault and replace the sand if it can be done legally, that only recently had he heard that the state makes some claim to his property and that question of ownership can be resolved later.

Mr. Christian said both sides had been heard, he thought there had been enough hearings, and while he was sympathetic to efforts to improve the condition of the Halifax River he thought those professionals representing the Corps of Engineers, the University of Florida, the Port Authority and the County Commission should be looked to for this kind of decision.

Mr. O'Malley commented that the main problem appears to be a total inadequacy of pollution control facilities for these cities and counties on the river rather than the flushing action by tidal flow, and that the Corps was trying to resolve problems to save lives in a very dangerous inlet that provides access into the Halifax tributary.

The motion was adopted with Messrs. Dickinson, O'Malley, Conner, Christian and Governor Askew voting in the affirmative, and Mr. Stone voting in the negative.

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HAMILTON COUNTY - Land Exchange

APPLICANT: Board of Trustees of the Stephen Foster Memorial
Division of Cultural Affairs
Department of State

REQUEST: Exchange of 2.25 acres of land owned by Conlon
J. Wilmott for 0.459 acre owned by the Board
of Trustees and being a portion of the Stephen
Foster Memorial

LOCATION: A parcel of land containing 2.25 acres, more or
less, in Section 12, Township 2 South, Range 15

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East, owned by Conlon J. Wilmott, and a state-owned parcel of land described as part of Lots 2B and 3, Block H, Reneaus Survey of the Town of White Springs in Section 12, Township 2 South, Range 15 East, containing 0.459 acre, all in Hamilton County

The Stephen Foster Memorial Board of Trustees on June 27, 1973, approved exchange of the 0.459-acre state parcel located adjacent to the home of Mr. Wilmott. The Board has determined that this parcel is not necessary for future development of the Memorial because of its location in the extreme northeast corner of the Memorial tract. The 2.25-acre parcel of land owned by Mr. Wilmott is between the state land and the River Road. State ownership is desirable in order to provide a buffer zone against possible future private development.

Both parcels of land have been appraised, the Wilmott parcel having a present-day market value of \$5,250 and the state 0.459-acre parcel having a present-day market value of \$1,850. Appraisal reports of the two parcels have been reviewed and approved by the staff appraiser.

A current title opinion on the Wilmott parcel shows Mr. Wilmott has a marketable title free and clear of any encumbrances.

The Department of State has reviewed and approved the proposed land exchange.

Staff recommends approval of the land exchange subject to Hamilton County advising that the county does not need the land for public outdoor recreational purposes pursuant to Section 253.111, Florida Statutes.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees approved the land exchange subject to advice from Hamilton County that the land was not needed pursuant to Section 253.111, Florida Statutes.

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PALM BEACH COUNTY - Land Exchange Modification

APPLICANT: T-R Land Corporation
South Bay, Florida

REQUEST: Modification of land exchange authorized by the Trustees on January 3, 1974.

LOCATION: 1,018.36 acres of land owned by T-R Land Corporation in Section 25, Township 46 South, Range 38 East, and that part of Section 30, Township 46 South, Range 39 East lying west of Levee L-6, Palm Beach County, in exchange for 953.09 acres of land owned by the Board of Trustees in Sections 26 and 27, Township 46 South, Range 38 East, Palm Beach County.

APPRAISAL: \$763,770 (\$750 per acre) for the 1,018.35 acres of T-R land; \$714,817.50 (\$750 per acre) for the 953.09 acres of Board of Trustees' land. Appraisal by Joe R. Kern, SRA, Palm Beach, Florida, which has been reviewed and approved by staff appraiser.

This land exchange was authorized by the Board of Trustees, whereby T-R would deed all of its ownership in Sections 25 and 30, purported to be 983 acres, for 920 acres of state land. Survey by T-R reveals that the entire tract of T-R land to be conveyed to the state consists of 1,018.35 acres or an additional 35.36 acres.

As the purpose of the exchange is for T-R to block up its ownership by conveying all of its ownership in these two sections for state land contiguous to T-R ownership in Section 28, T-R

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requests approval to convey the additional 35.36 acres to the state in exchange for a proportionate amount of state land in Section 26 of 33.09 acres.

Staff appraiser has reviewed the proposed exchange modification and states that the additional T-R land is of the same value per acre as the state land.

Staff recommends modifying the proposed land exchange to the extent that the Board of Trustees will convey 953.09 acres to T-R Land Corporation in return for 1,018.36 acres.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Christian and passed without objection, the Trustees approved modification of the land exchange as recommended by the staff.

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LEE COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: G. Thomas Smith
Post Office Box 12426, Pensacola, Florida

REQUEST: Consideration of sealed bids for an oil and gas drilling lease.

LOCATION: Government Lots 3 and 4, Section 2, Township 46 South, Range 26 East, Lee County, Florida, containing 80.28 acres, more or less.

INTEREST OF STATE: The Board of Trustees holds full interest in the petroleum and petroleum products. All proceeds from the proposed lease will go to the Trustees' trust fund.

On February 19, 1974, (item #13), the Board authorized advertising a five-year oil and gas drilling lease for sealed bids. The lease requires an annual rental of \$1 per net mineral acre, \$50,000 surety bond, 1/8 royalty and at least one test well every 2½ years, drilled to a depth of 6,000 feet or to a depth sufficient to test the Sunniland Formation, whichever is deeper.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and The Fort Myers News-Press, with bids to be opened at 10 a.m. (EDT) on April 16, 1974. for consideration by the Trustees. The right to reject any or all bids is reserved.

Staff recommends consideration of bids.

ACTION OF THE TRUSTEES:

Mr. James T. Williams, called on by the Director for a report, stated that in response to advertised call for bids, one bid was received from Watson Oil Corporation in the total amount of \$2,489.40, representing a \$30 bonus per net mineral acre. He recommended acceptance of the bid.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the bid was accepted and the Trustees authorized issuance of oil and gas drilling lease to Watson Oil Corporation.

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OKEECHOBEE COUNTY - Advertise for Oil and Gas Lease

APPLICANT: Shell Oil Company
New Orleans, Louisiana

REQUEST: Advertise an oil and gas lease for sealed bids

LOCATION: Section 16, Township 35 South, Range 35 East, containing 639.64 acres, and Section 16, Township 35 South, Range 36 East, containing 640 acres, in Okeechobee County.

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The sections are privately owned and approximately 12 miles northerly of the Town of Okeechobee.

INTEREST
OF STATE:

The State Board of Education holds a reserved undivided one-half interest in the petroleum and petroleum products in these two sections (639.82 net mineral acres). All proceeds from the proposed lease will go to the School Fund.

This request has been reviewed by the Director of the Division of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year oil and gas drilling lease with annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one test well every 2 1/2 years drilled to a depth of 6,000 feet or to a depth sufficient to test the Sunniland pay zone, whichever is deeper.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Conner and passed without objection, the Board authorized advertisement for sealed bids for an oil and gas drilling lease with provisions recommended by the staff.

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BAY COUNTY - Proposed Lease
(March 12, 1974)

APPLICANT: Paul W. Jennings
5128 West Highway 98
Panama City, Florida 32401

PROJECT: To lease a parcel of filled sovereignty land for a parking and recreational area, and for egress and ingress to a proposed docking facility to be located on adjacent state-owned submerged lands.

LOCATION: Approximately 0.38 acre in Section 34, Township 3 South, Range 15 West on the Northeast side of St. Andrews Bay near the Hathaway Bridge, Bay County, not in an aquatic preserve.

PAYMENT: Annual rental of \$2,400, payable in advance, recommended by Trustees' staff appraiser on March 4, 1974, has been accepted by the applicant.

STAFF REMARKS: This lease is required in connection with a request for a marina license for the construction of a dock and dolphins to moor a 200-foot by 65-foot flagship.

Staff requests authority to advertise for objections to the proposed lease.

ACTION OF THE TRUSTEES:

Mr. Jennings requested emergency mooring consisting of four dolphins (12 pilings) to hold his vessel, grounded for about a week offshore of the area he wishes to lease. Having brought his ship to Panama City with only a verbal lease agreement, he found no available commercial anchorage, the ship was beached on riprap shore which might damage the bottom plates of the vessel and risk all he had done in five years toward his plan to use "The Good Life Showboat" as a museum of riverboat history.

The staff asked for authority to advertise the proposed lease because local objections had been filed by the Patronis brothers.

When the Governor pointed out that only a procedural matter was on the agenda today and merits of the lease were not being heard, Mr. J. T. Patronis objected to the project and asked to be

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advised when the lease would be considered by the Board.

Without objection, the staff was authorized to advertise the lease for objections.

Motion was made by Mr. Stone, seconded by Mr. Dickinson and passed without objection, to waive the rules and consider the request for emergency mooring.

After discussion, members felt that to allow temporary safe mooring would not commit the Board to the lease. On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, permission was granted to install temporary dolphins for a period of time limited to 90 days provided Mr. Jennings posts a bond in an amount sufficient to cover removal of the vessel from state waters in the event the proposed project fails. The Director was authorized to work with the office of the Treasurer in the matter of the bond.

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MONROE COUNTY - Request for hearing before examiner
Dredge and Fill Permit File No. 253.03-201

PETITIONER: Joseph Farrugia,
represented by Charles Netter, Esq.

LOCATION
OF PROJECT: Marathon, Key Vaca (Atlantic Ocean side), Monroe
County, Section 11, Township 66 South, Range 32 East.

REQUEST: For purpose of an adjudicative hearing pursuant
to 120.21 (1), (3), (5), (6); 120.22 and 120.25,
Florida Statutes, and 18-5.20 (2) (a), 18-5.30,
18-5.31 and 18-5.39 of the Florida Administrative
Code, the Trustees are requested to appoint a
hearing examiner to hold a Chapter 120 hearing and
report to the Board before it acts on his project
application.

Staff and interested agencies have recommended
modifications for the project which petitioner
contends are biologically and ecologically un-
necessary.

Staff recommends that a qualified hearing officer be designated
for the purpose of holding an adjudicative hearing on the issues
made by the application for permit and the modifications required
for favorable consideration; that hearing be held at an early
date and report of the hearing and recommendations be submitted
to the Board with all reasonable dispatch.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. O'Malley and passed
without objection, the Trustees approved the hearing procedure
as recommended by the staff.

As Mr. O'Malley questioned who would be designated as the hearing
officer, Mr. Kuperberg indicated that the staff would clear that
with the members.

-25-

PINELLAS COUNTY - Application for Approval of Map
File No. 2566-52-253.03 and 360.03
(March 21, 1974)

APPLICANT: Seaboard Coast Line Railroad Company
William M. Smith, District Counsel
Post Office Box 391
Tallahassee, Florida 32304

PROJECT: To approve a map describing a parcel of river
bottom occupied by a railroad trestle, constructed
under authority of the War Department, Corps of
Engineers, Tampa Suboffice, in 1946.

LOCATION: The map describes a 0.41-acre parcel of sover-
eignty land in the Anclote River located in the
Northwest Quarter of the Northwest Quarter of

Section 7, Township 27 South, Range 16 East, Pinellas County, Florida, in Pinellas County Aquatic Preserve (statutory). The map, revised March 20, 1974, bears the number BA 3167.

PAYMENT: Not applicable

STAFF REMARKS:

This application for railroad right-of-way approval over state lands (and water) complies with the procedure originally enacted in 1885, now found in Section 360.03, Florida Statutes. These were originally filed with the Secretary of State, which was changed to a filing with the Trustees of the Internal Improvement Trust Fund. This trestle was originally approved by the Secretary of War in 1946 and was constructed at that time to carry a spur track of the Seaboard Airline Railway over the Anclote River. The wooden trestle is being replaced by a steel and concrete structure subject to separate permit by the Trustees.

The record fails to disclose compliance with Section 360.03, Florida Statutes, compliance with which entitled the railroad to the exclusive use of the right-of-way in the nature of a permanent easement. In the event the map as filed is rejected by the Trustees on the basis that an excessive amount of land is claimed, the board may allow the excess for a price to be determined by agreement with the railroad. If agreement cannot be reached, the excess claimed is subject to condemnation proceedings by the railroad.

The right-of-way claimed is less than the amount reflected in other plats and is one-half the width allowed across seminary lands, school lands, and swamp and overflowed lands owned by the state. 100 feet does not appear to be excessive for the occupancy and maintenance of the trestle.

ECOLOGICAL RESPONSES: Not applicable

Staff recommends approval of Map BA 3167 submitted by the Seaboard Coast Line Railroad Company.

ACTION OF THE TRUSTEES:

On motion by Mr. Christian, seconded by Mr. Dickinson and passed without objection, the Trustees approved Map BA 3167 submitted by the Seaboard Coast Line Railroad Company.

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POLICIES OF THE TRUSTEES:

At the request of Mr. Christian, the Trustees deferred until the next meeting consideration of policies established by the Board submitted as excerpts from the minutes, which, if they are to become part of the Administrative Code, must be drafted as rules and filed with the Secretary of State in the manner prescribed by law.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the rules were waived for consideration of the following applications added to the original agenda.

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DUVAL COUNTY - Dredge Permit No. 253.123-709
(February 4, 1972)

This application is placed on the agenda as an addendum at the request of the Commissioner of Agriculture.

APPLICANT: Jacksonville Bulk Terminals, Inc.
c/o Clarence E. Brown
Post Office Box 193
Lake City, Florida 32055

April 16, 1974

PROJECT: To remove accumulations of silt from an existing slip in the St. Johns River and place the material on privately-owned upland sites.

LOCATION: Long Branch Creek at the St. Johns River, Township 1 South, Range 27 East, Duval County.

MATERIAL: Approximately 120,000 cubic yards per year to be removed from sovereignty bottoms.

PAYMENT: The applicant has requested waiver of the charge for spoil material and has submitted an engineering analysis of the material to be removed. This analysis indicates the silt is not of commercial value, and suitable material for dike construction must be purchased from other sources.

STAFF

REMARKS: Field Operations - No objection, but recommend that dredging be to a maximum of -40 feet mean low water instead of -34 feet to lessen the frequency of dredging.

ECOLOGICAL

RESPONSES: Department of Natural Resources - Redredging this bottom area should not have significant adverse effects on marine biological resources as long as turbidity and siltation do not exceed allowable limits.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of a permit for 30 days subject to extension upon settlement of the question of payment for material removed from sovereignty lands.

ACTION OF THE TRUSTEES:

It was explained that the work was needed in order that a deep-draft vessel might enter the area.

On motion by Mr. Stone, seconded by Mr. O'Malley and passed without objection, the Trustees approved a permit for a period of 30 days subject to extension of that time upon settlement of the payment question.

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VOLUSIA COUNTY - Application for Disclaimer
File No. 2568-64-253.129
(April 16, 1974)

Addendum requested by the office of the Secretary of State.

STAFF DESCRIPTION: Four parcels of filled sovereignty land in the Halifax River abutting Section 39, Township 15 South, Range 33 East, Volusia County.

- A. CITY AND COUNTY: Daytona Beach, Volusia County
- B. APPLICANT: Motor Investment Corporation
- C. APPLICANT'S REPRESENTATIVE: William J. Roberts, Attorney
Post Office Box 1786
Tallahassee, Florida 32302
- D. ACREAGE: Four Parcels totaling 6.629 acres
RATE PER ACRE: Not applicable
- E. PURPOSE: Not applicable.
- F. ECOLOGICAL RESPONSES: Not applicable.

April 16, 1974

G. STAFF REMARKS: The application is filed under the provisions of Section 253.129, Florida Statutes which provides, "The title to all lands heretofore filled or developed is herewith confirmed in the upland owners and the Trustees shall on request issue a disclaimer to each such owner." Affidavits have been submitted which indicate the parcels were filled prior to 1951.

Field Operations Division has not submitted a report on the parcels.

The applicant has apparently filled some adjoining lands without authority. \$100 processing fee has been submitted.

Staff requests authority to issue the disclaimer.

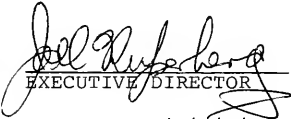
ACTION OF THE TRUSTEES:

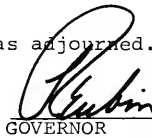

The Director said this addendum was requested by the office of the Secretary of State in order to resolve a question of ownership.

On motion by Mr. O'Malley, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the disclaimer.

On motion duly adopted, the meeting was adjourned.

ATTEST:


EXECUTIVE DIRECTOR

 GOVERNOR  CHAIRMAN

* * * * *

R E S O L U T I O N

NUMBER 74-3

WHEREAS, John W. DuBose was employed by the Trustees of the Internal Improvement Trust Fund in April, 1963; and

WHEREAS, his devotion to and interest in his work was recognized by the number of promotions he earned, the most recent being his appointment to the post of Director of Land Management; and

WHEREAS, he constantly sought to increase his knowledge of his responsibilities without neglecting his daily duties; and yet found time to share that knowledge with others who needed guidance; and

WHEREAS, his aid and advice were sought by legislators, local officials, and fellow employees, none of which were turned away; and

WHEREAS, his qualities of personality, wit, and tolerance toward the demands upon his time and talents endeared him to all with whom he was in contact; and

WHEREAS, his capabilities were recognized by the Senate of the State of Florida when the position of Staff Director of its Committee on Natural Resources became vacant; and

WHEREAS, John W. DuBose was offered such position which required his immediate acceptance, and recognizing the opportunity for greater service to his state, he accepted.

April 16, 1974

NOW THEREFORE, BE IT RESOLVED by the State of Florida Board of Trustees of the Internal Improvement Trust Fund that its appreciation and thanks for the loyal and faithful services to the Trustees and to the people of Florida by John W. DuBose be hereby expressed.

BE IT FURTHER RESOLVED that the Board and the individual members, consoled by the knowledge that he will still be serving his state in his new capacity, extend their best wishes to John for success in all his undertakings.

IN TESTIMONY WHEREOF the Board has caused this to be executed and sealed with the seal of the Trustees this sixteenth day of April, 1974.

REUBIN O'D. ASKEW
GOVERNOR

(SEAL)
STATE OF FLORIDA
BOARD OF TRUSTEES
OF THE INTERNAL
IMPROVEMENT TRUST FUND

RICHARD (DICK) STONE
SECRETARY OF STATE

ROBERT L. SHEVIN
ATTORNEY GENERAL

FRED O. DICKINSON, JR.
COMPTROLLER

THOMAS D. O'MALLEY
TREASURER

FLOYD T. CHRISTIAN
COMMISSIONER OF EDUCATION

DOYLE CONNER
COMMISSIONER OF AGRICULTURE

* * * * *

Tallahassee, Florida
May 7, 1974

The Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Haydon Burns Building with the following members present:

Reubin O'D. Askew
Richard (Dick) Stone
Fred O. Dickinson, Jr.
Ralph D. Turlington
Doyle Conner

Governor
Secretary of State
Comptroller
Commissioner of Education
Commissioner of Agriculture

Joel Kuperberg

Executive Director

Action taken by the Board at this meeting was pursuant to unanimous vote of the members present, unless the contrary is specifically reflected in the minutes.

-1-

On motion passed without objection, the minutes of April 2, 1974, were approved as submitted.

-2-

SUIT BY THE COMMISSIONER OF AGRICULTURE AGAINST THE BOARD OF TRUSTEES FOR DECLARATORY JUDGMENT ON APPLICABILITY OF CHAPTER 253.03 TO CERTAIN LANDS HELD BY THE DEPARTMENT OF AGRICULTURE

May 7, 1974

On April 5, 1974, Judge Ben Willis, Leon County Circuit Court Judge, ruled on the above-described case that the lands the Department of Agriculture has acquired through collected inspection fees are exempt from being transferred to the Board of Trustees under 253.03(1). In so ruling, Judge Willis stated that 253.03 was not sufficiently clear as to include these lands which were impressed with a type of trust by virtue of having been collected with inspection fees.

The Board has two choices--the first is to appeal Judge Willis' decision, and the second is to assist in clearing up the ambiguities of 253.03 by working with representatives of the Legislature. The Legal Staff of the Board of Trustees feels that the latter course is the most prudent.

To preserve our rights in this case, a notice of appeal has been filed.

Staff recommends that the Board authorize the dismissal of this notice of appeal and that efforts be taken to clear up this situation by recommending appropriate legislation.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson, and passed with Mr. Conner abstaining from voting, the Trustees authorized the dismissal of the notice of appeal and directed that efforts be taken to clear up this situation by recommending appropriate legislation.

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POLICIES OF THE TRUSTEES

Withdrawn from the agenda at the request of the staff was the matter of statements of policy adopted by the Trustees in meetings and contained in the minutes, which, if they are to become part of the administrative code, must be drafted as rules to become part of the appropriate chapter in the Florida Administrative Code by filing with the Secretary of State.

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WILDERNESS AREAS

The Interagency Advisory Committee on the state's Wilderness System, appointed pursuant to Section 258.28, Florida Statutes, has had under consideration six areas of the state as wilderness areas suitable for inclusion in the Wilderness System.

Two of these, the Town Islands deeded to the state by the Town of Longboat Key, and property received as the result of a boundary line agreement at Turkey Point in Dade County, are awaiting inclusion in the Wilderness System under agreements containing reversions should they not be included in the system. The Town Islands were conveyed subject to the restriction that they be managed by the Audubon Society.

Section 258.22 requires public notice and public hearing in the county in which the area is located.

Staff requests authority to publish notice of the holding of a hearing in the Town of Longboat Key preliminary to the inclusion of the Town Islands under the management of the Audubon Society as part of the Wilderness System, and a hearing in Dade County preliminary to the inclusion of state-owned lands at Turkey Point in such system, the time and place, and the hearing officer, to be designated by the Executive Director; the hearing officer to report to the Trustees on such hearings at the earliest convenient date subsequent to the completion of the transcript of the hearings.

Authority is also requested to publish notice and hold public hearings respecting the inclusion of other areas as the work of the Interagency Advisory Committee is at such stage of completion that it is able to make a recommendation in favor of including an area into the system.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objection, the staff was authorized to publish notice of a hearing in the Town of Longboat Key preliminary to including the Town Islands under management of the Audubon Society as part of the Wilderness System, and a hearing in Dade County preliminary to inclusion of state-owned lands at Turkey Point in such system, the time, place and hearing officer to be designated by the Executive Director, and the hearing officer to report to the Trustees as recommended by the staff. Also, the staff was authorized to publish notice and hold public hearings in regard to including other areas into the Wilderness System as may be recommended by the Interagency Advisory Committee.

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DUVAL COUNTY - Dredge Permit No. 253.123-709
(February 4, 1972)

APPLICANT: Jacksonville Bulk Terminals, Inc.
c/o Clarence E. Brown
Post Office Box 193
Lake City, Florida 32055

PROJECT: To remove accumulations of silt from an existing slip in the St. Johns River and place the material on privately-owned upland sites.

LOCATION: Long Branch Creek at the St. Johns River, Township 1 South, Range 27 East, Duval County.

MATERIAL: Approximately 120,000 cubic yards per year to be removed from sovereignty bottoms.

PAYMENT: The applicant has requested waiver of the charge for spoil material and has submitted an engineering analysis of the material to be removed. This analysis indicates the silt is not of commercial value, and suitable material for dike construction must be purchased from other sources.

STAFF
REMARKS: Field Operations - No objection, but recommend that dredging be to a maximum of -40 feet mean low water instead of -34 feet to lessen the frequency of dredging.

ECOLOGICAL
RESPONSES: Department of Natural Resources - Redredging this bottom area should not have significant adverse effects on marine biological resources as long as turbidity and siltation do not exceed allowable limits.

Game and Fresh Water Fish Commission - No objection.

Department of Pollution Control - No objection.

Staff recommends issuance of the dredge permit with the stipulation that the applicant pay for dredged material removed from state lands at the Duval County rate of \$1.00 per cubic yard of settled and de-watered material.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the staff had thought there was an agreement but learned yesterday that this applicant wished to present its position to the Trustees.

Mr. Charles Vocolle, applicant's attorney, said his client had filed a letter of agreement setting out areas of controversy and ways to resolve them. He objected to the staff position requiring payment for worthless silt removed in maintenance dredging (necessary in this slip over a period of 60 years), stating that technical analysis showed about 78% moisture even

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after the material sat in place - but that it slipped so that it could not be used as diking material. Mr. Vocelle expressed the opinion that Chapter 253 related to earth and fill material with no intention in the law or regulations to charge for worthless silt, that silt accumulated in this slip when dredging was done up river, none comes from sovereignty land, and the creek in its natural condition was not sovereignty. He asked that his client be allowed a permit to go forward in accordance with the letter of agreement filed with the staff.

In response to Mr. Stone's question regarding policy for silt that is worthless as fill, Mr. Kuperberg explained that the issue has not been resolved and most applicants paid the charge, that in this case the silt does not remain suspended indefinitely but can be measured which is why the staff recommended \$1 per cubic yard of settled and dewatered material. The staff position was that damage done to the sovereignty bottoms was as much a concern as the commercial value of the material.

Mr. Stone commented on the danger of oil-bearing ships running aground, the affirmative value of fill material, and where the type of material removed was of no economic value and in a navigation situation, it was in the public interest to clear the channel.

Governor Askew, noting that it might not be exclusively silt, suggested that the applicant be allowed to maintain dredge with the Board reserving the right to make a charge based on an analysis of the removed material. In this case the applicant could still be charged and it was incumbent on the applicant to satisfy the staff as to the value of the material removed. The Director indicated agreement. Mr. Vocelle accepted the provision that the value of the material was yet to be determined.

The Secretary of State made a motion, seconded by the Comptroller and passed without objection, that the Board approve the action suggested by the Governor, to issue permit for the maintenance dredging and reserving the right to charge for the material based on an analysis satisfactory to the staff.

-6-

GLADES COUNTY - Application to Purchase Reclaimed Lake Bottom Land, File 2365-22-253.36

The application of Henry F. Seels and wife to purchase a parcel of reclaimed Lake Okeechobee bottom land abutting State Lot 2 in Section 13, Township 40 South, Range 32 East, Glades County, was deferred at the request of State Comptroller Dickinson.

-7-

BAY COUNTY - Artificial Reef Permit No. 03-32-2411
(February 28, 1974)

APPLICANT: Board of County Commissioners of Bay County
Post Office Box 2269
Panama City, Florida 32401

PROJECT DESCRIPTION: To construct an artificial fishing reef in the Gulf of Mexico. The reef will be constructed of a Liberty Ship, 431 feet long by 54 feet wide, cut down to the 15 foot mark, cleaned before transporting to the site, and scuttled in 74-76 feet of water at the proposed location approximately seven miles off the coast of Hurricane Island.

LOCATION: LORAN coordinates 3H0-3699,3H1-3701, (30 degrees 0 minutes north, 85 degrees 40.5 minutes West), seven miles off the coast of Hurricane Island, Gulf of Mexico, Bay County, in Aquatic Preserve G-4.

MATERIAL: No dredging involved in project.

PAYMENT: \$50 received as payment for an artificial reef permit.

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ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - A draft Environmental Impact Statement prepared by this Department has been transmitted to the appropriate Federal agencies.
Division of Marine Resources - This division has no objection.

GAME AND FRESH WATER FISH COMMISSION - This agency offers no objections.

DEPARTMENT OF POLLUTION CONTROL - This agency does not object to the placement of the liberty ship artificial reef in the proposed location provided the ship has been properly prepared for sinkage. The Department of Natural Resources has assured our Department that materials which would have adverse effects on water quality will be removed. Our Department and the EPA will be given an opportunity to make a physical inspection of ship and voice any objections or recommendations we might have before the ship is towed to the offshore reef site.

Staff recommends issuance of the artificial reef permit subject to the following stipulations: (1) All petroleum products and other contaminants are to be removed from the ship prior to being transferred to the site, and (2) Reef is to be properly and permanently buoyed.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved the artificial reef permit subject to the stipulations recommended.

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SANTA ROSA COUNTY - Artificial Reef Permit No. 57-32-1831
 (January 3, 1974)

APPLICANT: Board of County Commissioners of Santa Rosa County
 Post Office Box 472
 Milton, Florida 32570

PROJECT

DESCRIPTION: To construct an artificial fishing reef in the Gulf of Mexico. The reef will be constructed of a Liberty ship 431 feet long by 54 feet wide cut down to the 15 foot mark, cleaned before transporting to the site, and scuttled in 62 to 80 feet of water at the proposed location approximately 9.4 miles off Santa Rosa Island.

LOCATION: LORAN Coordinates 3H0-3679,3H1-3048 (30 degrees 16 minutes North, 86 degrees 49.5 minutes West), approximately 9.4 miles off the coast of Santa Rosa Island, Gulf of Mexico, Santa Rosa County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: Applicant requests waiver of the fee for an artificial reef permit.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - A draft Environmental Impact Statement prepared by this Department has been transmitted to the appropriate Federal Agencies.
Division of Marine Resources - This division has no objection.

GAME AND FRESH WATER FISH COMMISSION - This agency offers no objection.

DEPARTMENT OF POLLUTION CONTROL - This agency does not object to the placement of the liberty ship artificial reef in the proposed location provided the ship has been properly prepared for sinkage. The Department of Natural Resources has assured our Department that materials which would have adverse effects on water quality will be removed. Our Department and the EPA

May 7, 1974

will be given an opportunity to make a physical inspection of the ship and voice any objections or recommendations we might have before the ships are towed to the offshore reef sites.

Staff recommends issuance of the artificial reef permit subject to the following stipulations: (1) All petroleum products and other contaminants are to be removed from the ship prior to being transferred to the site. (2) Reef is to be properly and permanently buoyed.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees approved issuance of the artificial reef permit subject to the recommended stipulations.

-9-

DADE COUNTY - Extension of Fill Permit No. 253.124(8)-164
(Revised November 26, 1973)

APPLICANT: Public Works Department
Metropolitan Dade County
1351 Northwest Twelfth Street
Miami, Florida 33125

PROJECT: To extend Fill Permit Number 253.124(8)-164 for a period of three years to fill two eroded areas (1.89 acres and 1.2 acres) along Rickenbacker Causeway.

LOCATION: Section 54, Township 13 South, Range 41 East, Biscayne Bay, Dade County, not in an aquatic preserve.

MATERIAL: Not applicable.

PAYMENT: Not applicable.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - April 16, 1974: Due to the proximity of the grass flats to the fill area, the applicant should consider the use of boulder riprap to minimize siltation damage to the grass and to afford protective habitat (and sites of attachment) for marine organisms. As proposed, this project should not have significant adverse effects on marine biological resources if it is undertaken carefully and if it is designed to last so that repeated fill operations are not necessary. Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that the proposed fill would have significantly adverse hydrographic effects. It should be noted, however, that the proposed work would provide only a temporary solution and that, unless more permanent remedial action is taken, the continued erosion of the causeway should be anticipated.

In light of the biological and hydrographic comments, the wisest course would be the installation of sloping riprap along the existing shoreline.

GAME AND FRESH WATER FISH COMMISSION - February 1, 1974: This agency offers no objection.

DEPARTMENT OF POLLUTION CONTROL - March 25, 1974: The subject project was reviewed and a "Water Quality Certification" was issued DF 13-236, dated May 21, 1971. This Department has no objection to the extension of the permit.

Staff recommends extension of the fill permit for a three-year period.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said the staff found the use of riprap was not appropriate, as the area was used as swimming beaches and Dade County did not desire riprap on the swimming beaches.

May 7, 1974

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized extension of the fill permit for a three-year period.

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HILLSBOROUGH COUNTY - Construction Permit No. 29-39-2427
(January 23, 1974)

APPLICANT: Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601

PROJECT: To construct a sheet pile thermal barrier 230 feet wide by 10 to 30 feet high across an existing intake channel.

LOCATION: Section 9, Township 31 South, Range 19 East, Hillsborough Bay, Hillsborough County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$50 received as construction permit processing fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed installation of the sheet pile dividing wall should not have significant adverse effects on marine biological resources. The closed cycle cooling system is being developed for an electrical generating unit now under construction and will reduce the amount of intake water required and minimize thermal discharge in Tampa Bay.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission has no objection.

DEPARTMENT OF POLLUTION CONTROL - Certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500. You are cautioned that any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such waters, as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida.

OTHERS: Tampa Port Authority approved the construction permit at its regular meeting on March 12, 1974.

Staff recommends issuance of the construction permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the Trustees authorized issuance of the construction permit.

-11-

LEE COUNTY - Dredge and Construction Permit No. 36-39-1906
(October 11, 1973)

APPLICANT: J. M. Kraemer, Trustee
c/o Robert M. Ervin
Post Office Box 1170
Tallahassee, Florida 32302

PROJECT: To dredge 3,766 cubic yards of material from a proposed navigation channel 800 feet long by 50 feet wide and an upland boat basin 200 feet wide by 180 feet long, to -5 feet mean low water; construct 600 feet of vertical concrete seawall around the boat basin and construct riprap at both sides of the entrance to the boat basin; construct a dock 155 feet long by 10 to 40 feet wide.

LOCATION: Section 25, Township 45 South, Range 23 East, Peppertree Pointe, Caloosahatchee River, Lee County, not in an aquatic preserve.

MATERIAL: 3,766 cubic yards of material to be dredged and placed on an upland diked spoil site.

PAYMENT: \$3,766 received as payment for 3,766 cubic yards of material to be dredged.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed dredging through shallow and highly productive bottoms would have significant adverse effects on marine biological resources. River bottoms in the subject area are very shallow and sandy and the proposed channel may require periodic maintenance. Erosion, scouring, and loss of sediments from river bottoms adjoining the proposed channel, as a result of construction and maintenance dredging, would damage additional marine habitat. If the proposed project is approved, natural vegetation alongshore and adjoining mangrove wetlands should be preserved. Approximately 1,300 feet of natural vegetation along the Caloosahatchee River are within the applicant's property. A permanent maintenance spoil area should be designated on upland. With increased waterfront development along the Caloosahatchee River, there is a need for long range planning and zoning to limit the number of marinas and access channels which would require dredging through broad shallow river bottoms. Piecemeal approval of navigation channels through highly productive nursery and feeding grounds will have a significant cumulative adverse effect on marine biological resources.

Bureau of Beaches and Shores - A hydrographic survey will not be required. As a result of the relatively shallow depth of the proposed basin, it is improbable that significant stratification would result from the proposed project. In addition, the relatively small size of the boat basin should insure free mixing of the marina waters and local stagnation would not be expected.

Game and Fresh Water Fish Commission offers no objections to this proposal provided the applicant preserves all mangroves except those in the direct path of the access channel, and minimizes siltation during dredging operations.

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500, this will certify that the following project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of Environmental Protection Agency and have been proposed as the effluent limitations under Section 301 (b), Public Law 92-500, Federal Water Pollution Control Act. This certification is subject to the stipulation that (1) existing oyster bar is to be left unaffected, (2) upland boat basin and channels are to be located so as to preserve existing wetland vegetation located on the applicant's property, as per supplementary note "I" on the application, (3) water quality degradation shall be controlled as per supplementary note "II" of the application, (4) method for disposal of waste products including spoil, and diking of spoil areas, are to be in accord with supplementary note "III" of the application.

The applicant is hereby required to notify the Department of Pollution Control's Regional Office of the schedule of the project before beginning any work covered by this certification. All testing data shall be submitted to the Department of Pollution Control's Regional Office.

Staff recommends issuance of the Dredge and Construction Permit No. 36-39-1906 subject to the following: (1) Existing oyster bar is left unaffected, (2) Upland boat basin and channel are to be located so as to preserve existing wetland vegetation located on the applicant's property, (3) Water quality degradation shall be controlled as per supplementary note "II" of the application, and (4) Method for disposal of waste products including spoil and diking of spoil areas, are to be in accord with supplementary note "III" of the application.

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ACTION OF THE TRUSTEES:

Mr. Thomas Ervin was present to answer any questions the members might have.

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the Trustees approved the staff recommendation and stipulations for issuance of the dredge and construction permit.

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SARASOTA COUNTY - Marina License, Construction and Dredge
Permit No. 58-21 & 30-0718
(Revised September 13, 1973)

APPLICANT: Roberts Development Corporation
c/o Fred W. Baggett
Post Office Box 1752
Tallahassee, Florida 32302

PROJECT: To construct 18 finger piers 32 feet long by 2 feet wide, covering approximately 25,000 square feet of sovereignty land to be occupied by the docking facilities, and to perform maintenance dredging in an area 500 feet long by 45 feet wide, to -7 feet mean sea level for the removal of 2,000 cubic yards of material to be deposited on uplands.

LOCATION: Sections 32 and 33, Township 37 South, Range 18 East, Little Sarasota Bay, Sarasota County, not in an aquatic preserve.

MATERIAL: 2,000 cubic yards of material to be dredged from sovereignty land and deposited on uplands.

PAYMENT: \$5,000 received as payment for 5,000 cubic yards of material to be dredged as indicated on the original application, and \$460.80 received as annual marina license fee for approximately 25,000 square feet of sovereignty land.

STAFF REMARKS: A review of the application and our field inspector's comments indicates that this is a project that should be permitted. Recommend approval.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed dredge area has been reduced in the revised application to better conserve productive shallow bottoms (see our report dated March 29, 1973). The proposed dredge area should be limited to standard dimensions of small boat channel (50 feet by 5 feet). The retention of a shallow berm adjacent to the seawall or the placement of riprap in shallow waters along the seawall would be beneficial to marine life.
Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission concurs with the findings and recommendations of the Survey and Management Section of the Department of Natural Resources.

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500, this will certify that the following project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of the Environmental Protection Agency and have been proposed as the effluent limitations under Section 301 (b), Public Law 92-500, Federal Water Pollution Control Act.

This certification is subject to the stipulations that: (1) Dredging shall not extend into the bay further than the outside slope of the existing small channel; and (2) Siltation control barriers are to be utilized so as to minimize siltation during construction.

The applicant is hereby required to notify the Department of Pollution Control's Regional Office of the schedule of the project before beginning any work covered by this certification. All testing data shall be submitted to the Department of Pollution Control's Regional Office.

OTHERS: The Board of County Commissioners of Sarasota County, sitting as the Water and Navigation Control Authority at its meeting April 10, 1973 approved the Minor Work Permit #73-21, Roberts Development Corporation.

Staff recommends issuance of the construction, dredge permit and marina license at the annual fee of \$460.80 with the following stipulations: (1) The proposed dredge area should be limited to standard dimensions of a small boat channel (50 feet x 5 feet), (2) The retention of a shallow berm adjacent to the seawall or the placement of riprap in shallow waters along the seawall, and (3) Receipt of metes and bounds description of the marina license area.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the Trustees approved the staff recommendation and stipulations for issuance of the construction, dredge permit and marina license.

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VOLUSIA COUNTY - Utility Installation Permit No. 64-39-2001
(Revised December 3, 1973)

APPLICANT: Florida Power & Light Company
Post Office Box 3100
Miami, Florida 33101

PROJECT: To use the "plow-in" method to install 3,060 feet of submarine cable with a 30-inch minimum cover and to -18 feet mean low water across the Indian River and Old Channel.

LOCATION: Section 35, Township 17 South, Range 34 East, Indian River, Intracoastal Waterway and Old Channel, City of Edgewater, Volusia County, in Aquatic Preserve A-6.

MATERIAL: No dredging involved.

PAYMENT: \$50 received as utility crossing processing fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The project should not have significant adverse effects on marine natural resources provided that adequate steps are taken to control siltation and minimal clearing is performed while installing the power poles in the mangrove areas. This proposal would be more conservative if the cable crossed the sand fill in the unvegetated beach areas.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission offers no objection.

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500, this will certify that the following project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of the Environmental Protection Agency and have been proposed as the effluent limitations under Section 301 (b), Public Law 92-500, Federal Water Pollution Control Act. The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same. This certification is subject to the stipulation that great care is taken to curtail damages while installing the overhead power

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line, section across the tidal wetlands between the east side of the open waters of Old River and the upland. Efforts should be made to restore any marsh or mangrove areas that may be destroyed during the installation of this power line through the aquatic preserve.

Staff recommends issuance of the utility installation permit with the stipulation that adequate measures be taken to control siltation and damage to adjacent wetlands be held to an absolute minimum.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the Trustees approved the staff recommendation and stipulations for issuance of the utility installation permit.

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WALTON COUNTY - After-the-Fact Construction and Fill Permit
No. 66-13-0812E
(April 30, 1973)

APPLICANT: Larry D. Parks
38 Birch Avenue
Shalimar, Florida 32579

PROJECT: To construct 108 feet of vertical seawall, with riprap placed at the toe on the waterward side, and backfill to reclaim 2 feet of submerged land lost by erosion.

LOCATION: Section 3, Township 2 South, Range 1 West, Buck's Bayou, Walton County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$25 received as payment for an exemption processing fee.

STAFF REMARKS: Field Operations Division recommends an after-the-fact permit be issued if the applicant will agree to the placement of sloping riprap waterward of the seawall. Riprap would retard further erosion and increase the littoral habitat. The removal of the existing seawall would tend to increase erosion in the area and adversely affect the surrounding areas.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Although the subject shoreline is eroding, efforts to modify natural shoreline dynamics should be based on available knowledge to assure minimum damage to biological resources. Riprap would better provide habitat for aquatic life and dissipate wave energy. To best conserve aquatic biological resources and avoid setting a precedent for vertical seawalls in an unbulkheaded area, the unauthorized bulkhead should be replaced with a riprap revetment. The riprap should tie in with the existing shore such that erosion of the adjacent land will not occur. Game and Fresh Water Fish Commission has no objections to the permitting of this work but suggests that riprap be placed along the toe of the seawall to reduce the effects of waves and to further aid in stabilizing the shoreline.

DEPARTMENT OF POLLUTION CONTROL - Please be advised that the department does not object to the project as revised to include installation of riprap along the waterward edge of the vertical structure. Applicant is cautioned that any discharge that would directly or indirectly affect water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for such waters, as prescribed in Chapter 1703, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida.

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OTHERS: The Board of County Commissioners of Walton County, Florida, in a regular session on August 29, 1972, approved a permit to construct a seawall on Lot 19, Block A, Turquoise Beach, Walton County.

Staff recommends issuance of construction and fill permit with the stipulation that riprap be placed on an appropriate revetment mattress at the seaward face of the seawall.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the staff recommendation was approved as the action of the Trustees.

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DISCLAIMER OF FUNDS

The Department of Transportation has applied for a waiver or disclaimer of interest in the Trustees of funds held in payment for lands in the Cecil M. Webb Wildlife Management Area acquired from the Game and Fresh Water Fish Commission for the needs of Interstate 75, pursuant to the authority of Section 372.024, Florida Statutes, relating to interstate highways through this particular wildlife management area. The Department of Transportation is required to obtain unencumbered fee simple title to interstate rights-of-way and is concerned over the possible effect of Section 253.03, Florida Statutes, on the title to the lands in question. Such lands were never deeded to the Trustees because of applicable provisions of the Pittman-Robertson Act relating to federal aid in wildlife restoration. The pertinent portion of the act applicable to the facts in this matter reads:

"---When a diversion of funds occurs, a state thereby becomes ineligible to receive Federal Aid funds under one pertinent act from the date the diversion occurs until----(4) Federal Aid financed real property which has passed from the control of the state fish and game department is restored to that control, or property of equal value at current market prices and with commensurate benefits to fish and wildlife is acquired with non-federal aid funds to replace it;----"

The amount of the appraised fair market value has been arrived at and the funds are available for distribution to the Game and Fresh Water Fish Commission to enable it to acquire suitable replacement in compliance with the above provision of the Pittman-Robertson Act.

Staff recommends that the Board of Trustees of the Internal Improvement Trust Fund disclaim any interest in the fund, received from the use of that portion of I-75 which transects the Cecil M. Webb Wildlife Management Area and authorize the Executive Director to address a letter to the Department of Transportation advising it of the action of the Board.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed with five affirmative votes, the staff recommendation was approved as the action of the Trustees.

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LEE COUNTY - Renewal of Marina License Permit No. ML-88
(Expiration Date: February 28, 1974)

APPLICANT: U.S. Department of the Interior
Bureau of Sport Fisheries and Wildlife
Peachtree - Seventh Building
Atlanta, Georgia 30323

PROJECT: Renew Marina License No. ML-88 for one year.

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LOCATION: Section 21, Township 46 South, Range 23 East, San Carlos Bay at Point Ybel, Lee County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: Applicant requests waiver of the renewal fee covering 2,640 square feet of sovereignty land.

STAFF REMARKS: Field Operations Division reports that construction appears to have been carried out in accordance with the submitted drawings and has no objections to the renewal of ML-88.

Staff recommends renewal of the marina license and waiver of the annual fee covering 2,640 square feet of sovereignty lands.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the Trustees approved renewal of the marina license and waiver of the annual fee as recommended by the staff.

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OKALOOSA COUNTY - Renewal of Marina License Permit No. ML-118 (Expiration Date: March 7, 1974)

APPLICANT: American Marine Repair Facilities, Inc.
12 Eglin Parkway Southeast
Fort Walton Beach, Florida 32548

PROJECT: To renew Marina License No. ML-118 for one year

LOCATION: Township 2 South, Range 23 West, Joe's Bayou, Okaloosa County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$100 received as minimum annual marina license fee covering 4,580 square feet of sovereignty land.

STAFF REMARKS: Field Operations Division reports that construction appears to have been carried out in accordance with the submitted drawings.

Staff recommends renewal of the marina license at the minimum annual fee of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the Trustees approved renewal of the marina license at the minimum annual fee of \$100.

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MONROE COUNTY - Proposed Settlement, Sea-Air Estates, Inc.

At the request of the staff, consideration of an offer in settlement of an encroachment on sovereignty land was withdrawn from the agenda.

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COLLIER COUNTY - Advertise an Oil and Gas Lease

APPLICANT: James B. Richter
Post Office Box 905
Naples, Florida 33940

REQUEST: Advertise an oil and gas lease for sealed bids

LOCATION: Section 16, Township 47 South, Range 28 East, containing 640 acres, Collier County

May 7, 1974

INTEREST The State Board of Education holds a reserved
OF STATE: undivided one-half interest in the petroleum and
petroleum products in this privately-owned section
(320 net mineral acres). All proceeds from the
proposed lease will go to the School Fund.

This section of land lies within the Big Cypress watershed area approximately 6 miles southwest of Immokalee and 1½ miles southwest of Lake Trafford. The Big Cypress Advisory Committee inspected the section on April 12, 1974, and found it to be farmed, impacted, drained, dry and that one oil well had been completed as a dry hole in the NE¼ of the section. Also, a producing well is located approximately ½ mile north of this section. The Big Cypress Advisory Committee has no objection to this section being leased.

This request has been reviewed by the Director of the Division of Interior Resources, Department of Natural Resources, who concurs in the following recommendation.

Staff recommends advertising for sealed bids for a five-year oil and gas drilling lease with an annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one test well every 2½ years drilled to a depth of 6,000 feet or to a depth sufficient to test the Sunniland pay zone, whichever is deeper.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized advertising for sealed bids for the oil and gas drilling lease with provisions as recommended by the staff.

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DADE COUNTY - Reconveyance to Dade County

APPLICANT: Department of Health and Rehabilitative Services

REQUEST: Deed reconveying land to Dade County
due to title reverting.

LOCATION: Tract "A" of Highland Municipal Park, according
to plat recorded in Plat Book 64 at page 44
of the public records of Dade County.

This property was conveyed to the Board of Trustees by Dade County on September 13, 1968, with the express condition that the land be used only for the construction and operation of a state mental health facility within five years from date of deed. Due to lack of funding the mental health facility was not constructed, and Dade County has requested a deed from the Board of Trustees reconveying title to the county.

The Department of Health and Rehabilitative Services has reviewed this matter and approves reconveying the land to the county as a facility is not planned for construction on this site.

Staff recommends reconveying title to this property to Dade County by quitclaim deed.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed with five affirmative votes, the Trustees approved reconveyance of title to Dade County by quitclaim deed.

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LEON COUNTY - Road Right of Way and Drainage Easement
(December 29, 1973)

APPLICANT: Department of Transportation
Tallahassee, Florida

REQUEST: Easement to widen and improve State Road 366
(West Pensacola Street) between Chapel Drive
and Stadium Drive on Florida State University
property, and drainage easement to improve existing
drainage facilities.

May 7, 1974

LOCATION: 1.13 acres, more or less, in Section 35, Township 1 North, Range 1 West, for the right of way easement; and 0.21 acre, more or less, in Section 35, Township 1 North, Range 1 West, for highway drainage purposes.

This request was reviewed and approved by the Board of Regents on April 5, 1974.

Staff recommends issuance of the easement for public road purposes only and the drainage easement for drainage purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed with five affirmative votes, the Trustees authorized issuance of the easement to the Department of Transportation for public road purposes only and the drainage easement for drainage purposes only.

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LEVY COUNTY - Lease

APPLICANT: Department of Natural Resources
Tallahassee, Florida

REQUEST: Lease of state-owned public lands in the Waccasassa Bay State Preserve for management purposes.

LOCATION: 4,959.09 acres, more or less, in Sections 4, 5, 8, 14, 16 through 23, 25, 26, 35 and 36, Township 16 South, Range 15 East, and Section 16, Township 15 South, Range 15 East, Levy County.

These state-owned public lands lie within the 19,050.7-acre tract acquired by the state in 1971 from the Georgia-Pacific Corporation, making up the Waccasassa Bay State Preserve. A lease of the state-owned public lands lying within the preserve will allow joint management by the Department of Natural Resources and the Game and Fresh Water Fish Commission for protection and preservation of the land.

Staff recommends leasing the 4,959.09 acres to the Department of Natural Resources for management purposes, with any alteration of natural growth or drainage to be subject to specific approval by the Trustees.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed with five affirmative votes, the lease to the Department of Natural Resources was approved as recommended by the staff.

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COLUMBIA COUNTY - Conveyance of Murphy Act Land
(March 15, 1974)

APPLICANT: City of Lake City

REPRESENTED
BY: S. Austin Peele, Attorney at Law
Post Office Drawer 243
Lake City, Florida 32055

REQUEST: Conveyance of title to a parcel of Murphy Act land pursuant to the provisions of Section 197.311 (1-b), Florida Statutes.

DESCRIPTION: One acre, more or less, off the East end of Block 312, Western Division, City of Lake City, Florida, less and except that portion acquired by the State of Florida for the use and benefit of the State Road Department by quitclaim deed dated December 22, 1954, and recorded February 1, 1955 in O. R. Book 20, pages 233-234, Public Records of Columbia County.

May 7, 1974

STAFF COMMENTS: The City acquired title to this property in 1936. In 1948 the City conveyed the property to Columbia County Veterans Memorial Home, Incorporated, a non-profit corporation. The corporation on December 22, 1954, quitclaimed a portion of the property to the Department of Transportation for road right of way.

Neither the City of Lake City nor the Columbia County Veterans Memorial Home, Incorporated, were aware of two outstanding Murphy Act tax certificates (803 of Sept. 1, 1930, and 2359 of Sept. 4, 1933) because the property has been tax exempt since 1936. The veterans' organization has improved the property with a one-story masonry building used and occupied as a meeting facility for itself and other civic organizations.

Recent title examination revealed the outstanding certificates and the City, by virtue of its warranty of the title in conveying the property to the veterans' organization, is requesting a conveyance without consideration from the state to perfect the title in the Columbia County Veterans Memorial Home, Incorporated, as provided for in Section 197.381, (1)(b), Florida Statutes.

The Department of Transportation has approved the proposed conveyance being made without a road right of way reservation as no further right of way acquisition is necessary with respect to this parcel of land.

Staff recommends conveyance of the interest of the state in this parcel to the City of Lake City subject only to the usual oil and mineral reservations for a processing fee of \$25.00.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed with five affirmative votes, the Trustees authorized conveyance of the state's interest in this parcel of Murphy Act land to the City of Lake City subject only to the usual oil and mineral reservations for a processing fee of \$25.00.

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OKALOOSA COUNTY - Confirm a Public Sale of Murphy Act Land (March 20, 1974)

DESCRIPTION: Lots 1, 15 and 16, Block 54; Lots 17 and 20, Block 56, Port Dixie.

LOCATION: These lots are in the community of Shalimar, Florida. Port Dixie subdivision consists of a large tract of land platted in 1929 which has remained relatively undeveloped until the present. The neighborhood is now being developed for residential purposes.

APPRAISAL: By staff appraiser, \$5,175.

AUTHORITY
FOR SALE: Section 197.381, Florida Statutes.

DATE OF
SALE: March 18, 1974, by the Clerk of the Circuit Court of Okaloosa County, Florida.

HIGH
BIDDER: Nelson P. Davis

HIGH BID: \$5,175

Staff recommends confirmation of sale of these lots to Nelson P. Davis, high bidder, for \$5,175 plus costs of advertising and clerk's fees.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed with five affirmative votes, the Trustees confirmed sale of the lots under provisions of the Murphy Act to Nelson P. Davis as recommended by the staff.

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DUVAL COUNTY - Dredge Permit No. 16-21-1716
(September 17, 1973)

APPLICANT: Jacksonville Electric Authority
220 East Bay Street
Jacksonville, Florida 32202

PROJECT: To perform maintenance dredging to -21.7 and
-31.7 feet mean low water in an area adjacent
to an unloading dock for removal of 26,000 to
34,000 cubic yards of material to be deposited
on uplands.

LOCATION: Section 13, Township 1 South, Range 27 East,
St. Johns River, Jacksonville, Duval County,
not in an aquatic preserve.

MATERIAL: 26,000 to 34,000 cubic yards of material to be
dredged from sovereignty land.

PAYMENT: Applicant requests waiver of payment for the dredged
material.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - This project should have limited adverse effects on the aquatic biological resources provided siltation is controlled and all spoil is properly diked upland of the Spartina marsh.
Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.
Game and Fresh Water Fish Commission offers no objections.

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500, this will certify that the project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of the Environmental Protection Agency and have been proposed as the effluent limitations under Section 301(b), Public Law 92-500, Federal Water Pollution Control Act.

Staff recommends issuance of the dredge permit subject to the following stipulations: (1) Siltation controlled and all spoil properly diked upland of the Spartina marsh, (2) Subject to stipulations for water quality certification as issued by the Department of Pollution Control, and (3) Payment for the dredged material removed from state lands at the Duval County rate of \$1.00 per cubic yard of settled and de-watered material.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Trustees.

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LEE COUNTY - Land Dispute, Settlement of Lawsuit

ADVERSE CLAIMANT: Palm Acres, Inc., and Iona Clearing Co.

LOCATION: Shell Creek outside Fort Myers in Fractional
Section 34, Township 45 South, Range 23 East,
Lee County.

NATURE OF CONTROVERSY:

Defendants filled and dredged 10.55 acres of submerged land to which defendant, Palm Acres, Inc., claims ownership. Most of the creek still remains, as only that portion lying within Section 34 was dredged and filled. The creek lies mainly in Section 33 and covers a substantial portion of that section.

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Numerous legal issues are involved such as navigability, recent appellate decisions, estoppel and factual evidence which is conflicting. Staff has extensively investigated this matter and conducted discovery in the prosecution of this case.

PROPOSED SETTLEMENT:

Either the net profits derived from the sale of the lots over claimed sovereign land would be used to purchase environmentally significant land, or defendant would donate 3 acres for every 1 acre disturbed by filling or dredging, whichever results in the greater amount of land acquisition to the people of the State of Florida.

1. Defendants will donate to the Board 30 to 35 acres, depending on the final amount of land actually determined to be altered. Executive Director and staff will review proposed sites which are in Sections 4 or 28 or 33, immediately adjacent to violation area. One of these sites will be selected. Defendants will purchase site from present owner.
2. Cost of the litigation will be reimbursed to the Board. (Hence, the suit will not cost the taxpayer.)
3. Defendants have stated under oath (answers to interrogatories) that: "The remaining lands will be developed in a manner that is approved by the state agencies having an interest in the project."

Staff recommends settlement of the suit upon the terms stated with authorization to the Executive Director to approve (or request subsequent approval from the Board) the exact 30 to 35 acre site within Sections 4 or 28 or 33 which is immediately adjacent to the site of alleged violations.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed with five affirmative votes, the settlement recommended by the staff with terms stated on the agenda was approved by the Trustees.

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FEE SCHEDULE - Proposed Revision

The following addition to the Florida Administrative Code, to be inserted as Part V of Chapter 18-5 of the Code, together with the repeal of Section 18-5.49 of the Code, as contained in Part IV of Chapter 18-5, is recommended for adoption by the Board of Trustees of the Internal Improvement Trust Fund upon compliance with the provisions of Subsection 120.041 (4) relating to public hearing held pursuant to published notice in four or more newspapers of general circulation in the State:

CHAPTER 18-5 PART V Fees

Section 1. Section 18-5.51 is adopted to provide: 18-5.51. The following fees in connection with the processing of applications made to the Trustees for permits, leases or licenses to use publicly-owned lands under the jurisdiction of the Trustees, sale of land, disclaimers, releases of reservations, copying, searches of records and other services the performance of which an applicant is not entitled to under the law upon demand without charge, shall prevail and supersede any contrary provision of any of the rules of the Trustees as contained in Chapter 18-1 through 18-6 of the Florida Administrative Code.

<u>Land Management Division</u>	<u>Fee</u>
Permit	\$100.00 plus \$.01 per sq.ft. to 10,000 sq.ft. and .005 per sq.ft. thereafter
Exemption from Permit Process	50.00 plus \$.01 per sq.ft. to 10,000 sq.ft. and .005 per sq.ft. thereafter

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Quitclaim	100.00
Disclaimer	100.00
Ex Parte Disclaimer	100.00
Easement	100.00
Lease (except shell,oil,gas)	100.00
Lease Assignment	25.00
Land Exchange	150.00
Sale of State Lands	150.00
Sale of Reclaimed Lake Bottom	150.00

Land Records Division

Release of Reservations (\$1 per each additional lot)	25.00 min.
Ex Parte Disclaimer	100.00
Easement	100.00
Lease (agricultural, farm, grazing)	100.00
Oil and Gas Lease	100.00
Lease Assignment	25.00
Seismic Survey Authorization	100.00
Land Exchange	150.00
Murphy Act Sale	50.00
Land Title Information (each item over 4 entries \$.50 additional);	
Geneological Research	5.00 min.
Certificates	5.00 min.
Photostat Copies, Field Notes, etc.	
12 inch	2.50 page
24 inch	5.00 page

Field Operations Division

Private Dock Permits	25.00
Survey of Mean High Water Line	60% of cost
Non-meandered Lake Boundary Survey	60% of cost

Office of the Director

Appraisal	200/day
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18-5.52 Cost of Public Notice. The fees provided in Section 18-5.51, Florida Administrative Code, shall not include costs of publication of notice required in connection with the processing of an application, which costs shall be the obligation of the applicant who shall, in connection with the processing of the application cause the notice, furnished him for such purpose, to be published and to forward the affidavit of publication provided by the newspaper to the office of the Trustees to the attention of the division in which the application is pending.

18-5.53 Appraisals. The fees as scheduled in Section 18-5.51 F.A.C., shall be exclusive of the costs of obtaining an appraisal of land which appraisal may be necessary to a proper determination of the issues involved in the application. Where such appraisal is required, the fee applicable thereto shall be as listed under Office of the Director.

18-5.54 Surveys. Processing fees contained in the provisions of Section 18-5.51 F.A.C. shall be exclusive of the costs of a survey deemed necessary to a proper determination of the issues presented by the application. Such fees shall be in accordance with the schedule set forth in Section 18-5.51 F.A.C.

Section 2. Section 18-5.49, Florida Administrative Code, is repealed.

Staff recommends that notice of the proposed rule changes be published in four or more newspapers of general circulation (the general area of publications to be determined by the Board) and the Executive Director, or his designee, be authorized to hold a public hearing in Tallahassee on the proposed rule changes and report the results thereof to the Board within 60 days following the close of such hearing, together with his recommendations thereon.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Conner and passed without objections, the staff recommendations were approved as the action of the Board.

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WALTON COUNTY - Disclaimer

APPLICANT: George K. Crain
381 St. Mary's Lane
Marietta, Georgia 30060

PROJECT: Waiver of jurisdiction over and disclaimer of interest in that portion of a 12-acre pond comprising government lot 30 in Section 4, Township 3 South, Range 20 West, consisting of 2.52 acres in Walton County, not in an aquatic preserve.

PAYMENT: Not applicable

STAFF REMARKS: This property was patented by the United States to Carroll Van Goodner on January 14, 1955, by Patent No. 1149139 issued pursuant to 52 Stat. 609. The pond is not shown on the original U. S. Survey of 1849 but shows up as a non-meandered pond in a resurvey of the W½ of E½ of Section 4, Township 3 South, Range 20 West, accepted July 13, 1949. The General Counsel has stated that none of the facts involved would support a finding that this was sovereignty land in 1845, or that the pond is currently navigable.

Staff recommends that the Executive Director be authorized to advise George K. Crain that the State of Florida Board of Trustees of the Internal Improvement Trust Fund disclaims any interest in the property described because of the pond, either proprietary or regulatory in nature; that a caveat be contained in the letter that such disclaimer shall not extend to any of the regulatory powers of the Department of Pollution Control or to the claims of any unit of government other than the Board of Trustees of the Internal Improvement Trust Fund.

ACTION OF THE TRUSTEES:

The Executive Director recommended that the Trustees waive jurisdiction for this 12-acre pond that had no history of navigable use.

On motion by Mr. Stone, seconded by Mr. Conner and passed with five affirmative votes, the staff recommendation as stated in the agenda was approved by the Trustees.

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The hearing requested by Mr. M. Stephen Turner on petition filed on behalf of Clarence M. Gifford, Jr., and others regarding Ocean Reef Club, Inc., in the Snapper Point area of Monroe County was deferred on request by Mr. William J. Roberts, attorney, with no objection from Mr. Turner.

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the rules were waived to consider the following applications listed as addenda after the original agenda was published.

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MANATEE COUNTY - Dredge Permit No. 41-20-1332
(July 30, 1973)

APPLICANT: I. Z. Mann & Associates, Inc.
c/o Edgar M. Moore
P. O. Box 1169, Tallahassee, Florida 32302

May 7, 1974

PROJECT: To perform maintenance dredging in an existing upland canal system to -7 ft. mean high water for removal of 2,000 cubic yards of material to be deposited on uplands.

LOCATION: Section 1, Township 35 South, Range 16 East, Palma Sola Bay, Manatee County, not in an aquatic preserve.

MATERIAL: 2,000 cubic yards of material to be dredged and deposited in deep holes to raise bottom depth to -5 feet mean low water.

PAYMENT: Not required as the project is on uplands.

STAFF REMARKS: Applicant has modified the project to meet recommendations of the state environmental agencies. This item was deferred by the Secretary of State on April 16, 1974, to be placed on the May 7, 1974 agenda. Staff inadvertently omitted the item from the May 7, 1974 agenda.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - To conserve shallow bottoms which are valuable to marine life, (1) the bed of cord grass and oyster bars at the mouth of the main canal should not be disturbed; (2) no maintenance dredging should be permitted within 5 feet of the existing seawalls; and (3) only those areas in canals less than 5 feet deep should be designated for maintenance dredging.

Our report dated August 29, 1973 strongly recommended against channel construction along the east side of the development.

Insufficient information is provided with the application. A hydrographic assessment cannot be made until adequate project plans have been provided. The information provided with this application does not adequately describe the proposed project. Neither the depth of the proposed maintenance dredging nor the depth of the proposed access channel is given. In addition, the existing canal shown on the plan drawing does not agree with that shown on the location map. It should be noted, however, that due to the extremely shallow offshore area, a deep access channel along the alignment proposed would act somewhat like a dead-end canal since the inflow along the sides of the channel would be reduced. In addition, care should be exercised in maintenance dredging the existing canal to prevent the excavation of deep holes which would act as pockets of stratified bottom waters.

Game and Fresh Water Fish Commission - If the applicant omits the navigation channel excavation from his proposal, we would have no objections to the issuance of a permit for canal maintenance dredging.

Department of Pollution Control - The proposed channel will destroy substantial amounts of both sea grass and oysters both of which are vital to metering nutrients through the aquatic ecosystem. The proposed maintenance dredging within the canal should have minimal adverse effect upon fish and wildlife resources. However, the channel excavation will destroy an area of moderate biological productivity which will eventually become a highly desirable habitat following the re-establishment of the mangrove fringe. The proposed depth of this channel is significantly greater than that of the surrounding water. This condition is usually conducive to poor circulation, excessive sediment deposition and results in water quality problems. Therefore, in light of the above, this Department cannot recommend approval of the subject project as presently proposed.

If you agree to omit the excavation of the navigation channel from the proposal, this office would have no objections to the issuance of a permit for canal maintenance dredging.

Staff recommends issuance of the maintenance dredge permit subject to the following stipulations: (1) Care be exercised

in dredging the existing canal to prevent the excavation of deep holes that would act as pockets of stratified bottom waters, (2) The maximum dredge depth shall be -5 feet, (3) Material removed from areas shallower than -5 feet will be replaced in the waterways in areas deeper than -5 feet.

ACTION OF THE TRUSTEES:

The Director advised the members that a discrepancy has been removed, and Mr. Edgar M. Moore, attorney for the applicant, has agreed with the conditions as recommended.

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the staff recommendation with stipulations requested by the environmental agencies was approved as the action of the Trustees.

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LEON COUNTY - Extension of Construction Permit No. 37-22-0761

APPLICANT: Department of Transportation
Hayton Burns Building
Tallahassee, Florida 32304

PROJECT: To maintain 2 temporary silt barriers in Meginnis Arm and 2 temporary silt barriers in Ford Arm. These floating "diapers" are designed to reduce siltation and turbidity from storm water runoff entering Lake Jackson.

LOCATION: Section 1, 2, 11, 14, Township 1 North, Range 1 West, Ford and Meginnis Arms, Lake Jackson, Leon County.

STAFF REMARKS: Maintenance of these temporary silt barriers will provide an added insurance to the protection of the water quality in Lake Jackson prior to the completion of major construction within the Meginnis and Ford Arms sub-basins. The Department of Transportation reports that its projected completion date of Interstate 10 is July 1. These remarks are based upon recommendations of the Department of Pollution Control and the Department of Oceanography, Florida State University, which is conducting lake management research on Lake Jackson.

Staff recommends extension of the construction permit until major construction is completed within the Lake Jackson basin. Such extension should not exceed 90 days.

ACTION OF THE TRUSTEES:

On motion by Mr. Turlington, seconded by Mr. Stone and passed without objection, the Trustees approved extension of the permit for a period not to exceed 90 days.

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DUVAL COUNTY - Dredge Permit No. 16-21-2509
(February 14, 1974)

APPLICANT: Standard Oil Company
3117 Talleyrand Avenue
Jacksonville, Florida 32206

PROJECT: To perform maintenance dredging in an area 650 feet long by 110 feet wide, to -35 feet mean low water, for the removal of 10,000 cubic yards of material to be deposited in River Fall Area "A", St. Johns River, City of Jacksonville, Duval County.

LOCATION: Section 47, Township 2 South, Range 27 East, St. Johns River, City of Jacksonville, Duval County, not in an aquatic preserve.

May 7, 1974

MATERIAL: 10,000 cubic yards of material to be dredged from sovereignty lands and to be deposited in River Fall Area "A", St. Johns River.

PAYMENT: No payment received for material to be dredged from sovereignty land.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed dredging should not have adverse effects on the aquatic biological resources provided siltation is closely controlled. However, continued open water spoiling of such material is not in the best interests of marine resources. A properly diked upland disposal site should be chosen in order to best protect the marine natural resources.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - We do, however, object to the use of this open water spoil site. Open water spoiling and the resultant resuspension of oxidizable bottom sediments can cause significant reductions in the dissolved oxygen concentration of the water. This can be due to decreased photosynthesis or to increased biochemical oxygen demand with the increase in available nutrients (Brown & Clark, 1968; Pomeroy, Smith and Grand, 1955; Burkholder and Burkholder, 1965; Zobell and Feltham, 1942). Sediment in suspension or settling on the bottom has direct and indirect effects on the biota. The smothering of benthic communities can result in the death of the organisms. (Sherk, 1972). Particles suspended in the water column can impair light penetration and thus limit primary productivity (Issac, 1965). Physical damage to the respiratory apparatus of fish and aquatic invertebrates may result from the abrasive action of suspended substances (First, 1969). Although there is need for further research into the biological effects of the release of toxic substances from disturbed sediment, it has been shown that these substances can have deleterious effects on aquatic organisms (Saila, Polgar & Rogers 1968; Ellis, 1937). Since spoil material is susceptible to redistribution by tides and currents, and because it does not mix with or become assimilated by pre-existing bottom material (NAVOCEANO, 1973), deep water disposal is recommended over disposal in shallower, confined areas because of increasing residue stability with depth (Sherk, 1971). This recommendation presupposes the fact that suitable upland spoil sites are unavailable. Our agency recommends that all spoil from this project be placed on an adequately diked upland site. This measure would significantly reduce the potentially adverse biological impact of this project and would therefore remove the objections of this agency.

DEPARTMENT OF POLLUTION CONTROL - will waive its requirement for a "Water Quality Certification" for the emergency need for 10,000 cubic yards of fill as part of the subject project.

OTHERS: The City of Jacksonville has no objection to the proposed maintenance dredging.

Staff recommends issuance of the emergency permit to dredge 10,000 cubic yards of silt to be deposited in the Grassy Point open water spoil area, on a one-time basis only.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the Trustees authorized issuance of the emergency permit to dredge 10,000 cubic yards of silt to be deposited in the Grassy Point open water spoil area on a one-time basis only.

Commissioner Conner spoke of his concern, expressed previously, about the backlog of pending applications in the Trustees' office and the report that 3,000 applications were received per year with only about 1,200 processed a year. Mr. Conner commented on the many letters and complaints of inaction received from legislators, city and county officials, and applicants with simple

projects who seemed to think that lawyers and engineers were required and the processing time was excessive for small applications under the exemption procedure. He pointed out that the Board action in 1972 allowed 120 days for processing applications, with extension of that time to require Board approval.

The Executive Director stated that a staff report filed at last Thursday's cabinet aides' meeting anticipated that issuance of permits would be on a current basis by the end of this fiscal year. He thanked the Trustees for extra staff (OPS) secured to help with the backlog of applications.

Mr. Conner said he had appointed someone from his office to try to help with the backlog in the Trustees office, whereupon the State Comptroller and Secretary of State also appointed aides to assist the Trustees' staff.

On motion duly adopted, the meeting was adjourned.

ATTEST:

Joel Kuperberg
EXECUTIVE DIRECTOR

Reubin O'D. Askew
GOVERNOR

Richard (Dick) Stone
CHAIRMAN

Tallahassee, Florida
May 21, 1974

The State of Florida Board of Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Haydon Burns Building with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Thomas D. O'Malley	Treasurer
Ralph D. Turlington	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

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On motion duly adopted, the minutes of April 16, 1974, were approved as submitted.

-2-

MONROE COUNTY

APPLICANT: United States Department of the Interior
Fish and Wildlife Service
Bureau of Sport Fisheries and Wildlife
17 Executive Park Drive, Northeast
Atlanta, Georgia 30329

PROJECT: Applicant wishes to acquire private lands within the Great White Heron National Wildlife Refuge, in accordance with Section 372.771 Florida Statutes, which requires approval by the Trustees.

LOCATION: Lands in the Gulf of Mexico within the approved boundary of the Great White Heron National Wildlife Refuge, Monroe County,

May 21, 1974

Florida, in Township 65 South, Ranges 27, 28, 29, 30 and 31 East; Township 66 South, Ranges 25, 26, 27, 28, 29 and 30 East; and Township 67 South, Ranges 25 and 26 East, Monroe County.

PAYMENT: None

STAFF COMMENTS: Section 372.771, Florida Statutes, gives consent to the United States for acquisition of lands for the purpose of managing, protecting and propagating fish and wildlife subject to approval by the Board of Trustees.

There will be no expense to the state.

Staff recommends granting approval for acquisition of private lands, as authorized under Section 372.771, Florida Statutes.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and Mr. Dickinson and passed without objection, the Trustees approved the acquisition of private land as authorized by Section 372.771, Florida Statutes.

-3-

BREVARD COUNTY - Application for Quitclaim Deed
File No. 2519-05-253.12(6)

STAFF

DESCRIPTION: A parcel of filled sovereignty land situated on the banks of the Indian River, Section 33, Township 24 South, Range 36 East, not in an aquatic preserve.

- A. CITY AND COUNTY: Cocoa, Brevard County
- B. APPLICANT: Sun Bank of Cocoa, N.A.
REPRESENTATIVE: c/o Walter T. Rose, Jr.
101 North Atlantic Avenue
Cocoa Beach, Florida 32931
- C. ACREAGE: 0.033 acre
RATE PER ACRE: \$100 for the parcel, as of June 11, 1957
- D. APPRAISAL: Memorandum of appraisal by staff appraiser, April 29, 1974
- E. PURPOSE: Commercial
- F. BIOLOGICAL RESPONSE: Not applicable
- G. STAFF FIELD REPORT: Field Inspector could determine no reason why this application for Quitclaim Deed should not be approved.
- H. STAFF REMARKS: The applicant applied for a quitclaim deed pursuant to Section 253.12(6) Florida Statutes, which provides that "Where any person, state agency, county, city or other political subdivision prior to June 11, 1957, extended or added to existing lands or islands bordering on or being in the navigable waters as defined in this section by filling in or causing to be filled in such lands, the board shall upon application therefore convey said land so filled to the riparian owner or owners of the upland so extended or added to. The consideration for such conveyance shall be the appraised value of said lands as they existed prior to such filling."

Two affidavits have been submitted which state that the parcel was filled prior to June 11, 1957.

Staff requests authority to issue the quitclaim deed for the consideration of \$100.

May 21, 1974

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the Trustees authorized issuance of the quitclaim deed for \$100 consideration.

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BROWARD COUNTY - Public Hearing to Establish an Erosion Control Line
(May 1, 1974)

APPLICANT: Broward County Erosion Prevention District
Arthur V. Strock, Administrator
Room 475, Broward County Courthouse
Fort Lauderdale, Florida 33305

PROJECT: To establish an erosion control line in accordance with the provisions of Chapter 161, Florida Statutes, for the purposes of beach nourishment.

LOCATION: Atlantic Ocean, Sections 24, 25, 36, Township 50 South, Range 42 East, Broward County, not in an aquatic preserve.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Bureau of Beaches and Shores certifies that severe beach erosion has occurred in the area encompassed by the project, that the beach has been substantially destroyed and may be completely destroyed in the immediate future unless a publicly financed program is undertaken.

OTHERS: Broward County Erosion Prevention District by resolution adopted April 16, 1974, requested the Board of Trustees to establish the Erosion Control Line.

Staff recommends that the Executive Director or his designee be authorized to hold a public hearing pursuant to the provisions of Chapter 161, Florida Statutes, and report to the Trustees for further disposition on their part, with reference to the requested erosion control line and beach nourishment project.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the staff recommendation was approved as the action of the Board.

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CHARLOTTE COUNTY - Right of Way Easement, File No. 2571-08-253.03
(April 18, 1974)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304

PROJECT: (DOT Section 01010-2519) Highway and bridge construction across Peace River (Charlotte Harbor) for public highway purposes as and for right of way for public State Road No. 45. No dredging, filling or storm drains on sovereign land is required.

LOCATION: 21.97-acre parcel of sovereign land in the Peace River, Section 6, Township 41 South, Range 23 East, Section 1, Township 41 South, Range 22 East and Section 36, Township 40 South, Range 22 East, Charlotte County, not in an aquatic preserve.

MATERIAL: None

PAYMENT: Not applicable

STAFF REMARKS: Applicant states that the proposed bridge spans the entire flood plain.

May 21, 1974

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - April 26, 1974. The proposed bridge construction over the Peace River between Charlotte Harbor and Punta Gorda should have limited adverse effects on marine biological resources. No dredging or filling is indicated in the drawings received and the proposed structure would be located west of an existing bridge. Our report in the Draft Environmental Impact Statement, September, 1971, read as follows:

The subject area has the following characteristics: moderately shallow, coarse sand bottom, vegetated mainly by Cuban shoalweed (*Diplanthera*). This area is a productive habitat, serving dual purposes as a breeding area and nursery for juvenile marine fauna. The first recommendation from the Department of Natural Resources for such an area would be to bridge entirely across places of this nature. However, if complete bridging can be asserted as absolutely not feasible from an engineering or economical standpoint, our next comment would be that by using truck fill, with an appropriate underwater slope, damage to such an area would be limited as compared to use of dredge and fill operations.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.
Game and Fresh Water Fish Commission - We have reviewed the above captioned permit application, and offer no objection to its issuance.

DEPARTMENT OF POLLUTION CONTROL - The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same.

This certification is subject to the stipulation that all work shall be conducted in such manner as to minimize turbidity in the surrounding waters.

The applicant is hereby required to notify the Department of Pollution Control's Regional Office of the schedule of the project before beginning any work covered by this certification. All testing data shall be submitted to the Department of Pollution Control's Regional Office.

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the Board authorized issuance of the right of way easement to the Department of Transportation.

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LEE COUNTY - Right of Way Easement, File No. 2553-36-253.03

Consideration was deferred on the application of the Department of Transportation for right of way easement for highway and bridge construction for public highway purposes as and for right of way for public State Road No. 93(I-75) in the Caloosa-hatchee River in Sections 27 and 34, Township 43 South, Range 25 East, Lee County, not in an aquatic preserve.

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PALM BEACH COUNTY - Application for Private Easement,
 File No. 2563-50-253.03.

The application of Royal American Industries, Inc., for an easement for private bridge construction across the sovereignty bottom of the Loxahatchee River covering 0.15 acre in the North-east Quarter of Section 32, Township 40 South, Range 42 East, Palm Beach County, not in an aquatic preserve, had been deferred on April 16.

Mr. Kuperberg stated that there were objections and Mrs. Trudy Bernhardt was present and had indicated a desire to be heard.

May 21, 1974

On motion by Mr. Stone, passed without objection, consideration of this application was deferred.

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PALM BEACH COUNTY - Perpetual Right of Way Easement,
File No. 2570-50-253.03
(April 4, 1974)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304

PROJECT: (DOT Section 93080-2506) A perpetual easement subject to reassignment to the United States of America as right of way for the realignment of the Intracoastal Waterway as authorized by Congress. No dredging or filling is contemplated by the Department of Transportation for this project.

LOCATION: Submerged land in Lake Worth in Sections 27 and 34 Township 42 South, Range 43 East, Palm Beach County, not in an aquatic preserve.

MATERIAL: Not applicable

PAYMENT: Not applicable

STAFF REMARKS: This request for easement covers three parcels totaling 10.25 acres, more or less, inadvertently omitted from the Department of Transportation request for a temporary easement for channel dredging for construction of Road A-1-A, Blue Heron Blvd., which the Board of Trustees approved August 21, 1973, Easement No. 2680 (2510-50).

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - August 13, 1973: The reduction of the proposed dredging north of the bridge for channel relocation is acceptable to this agency. The total volume to be dredged for channel relocation has been reduced from 100,000 cubic yards to 94,507 cubic yards.

Bureau of Beaches and Shores - July 9, 1973: It appears improbable that the proposed work will have significantly adverse hydrographic effects. In view of the severe erosion that has occurred south of Lake Worth Inlet, it is recommended that any compatible beach sand obtained in the channel realignment be spoiled on the beach south of the Inlet jetties.

Game and Fresh Water Fish Commission - August 13, 1973: In our letter of July 3, 1972 objections to the project were raised because of excessive dredging and filling in conjunction with a proposed channel realignment of the Intracoastal Waterway. Since that letter, personnel of our agencies have worked out a design wherein dredging has been eliminated near Little Munyon Island and associated biologically productive grass flats. Also, proposed filling of submerged land south of Phil Foster Park has been eliminated. Because of the above, our agency has no objection to the proposed bridge and channel realignment as outlined in the revised plans. Due to previous construction of a causeway known as Phil Foster Park plus adjacent shallow areas north of Peanut Island, northward water flow has been substantially altered. Dredging a new channel between Peanut Island and the proposed bridge will enhance northward water flow; therefore, this agency offers no objection to the channel realignment.

DEPARTMENT OF POLLUTION CONTROL - August 8, 1973: By copy of this letter, we are advising the affected agencies that this Department has no objections to the proposed project. Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

Staff requests authority to issue the perpetual easement subject to reassignment to the United States of America.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Board authorized issuance of the perpetual

May 21, 1974

easement to the Department of Transportation subject to reassignment to the United States of America, as right of way for the realignment of the Intracoastal Waterway.

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WALTON COUNTY - Private Right of Way Easement, File 2573-66-253.03
(April 24, 1974)

APPLICANT: Evans and Mitchell Industries, Inc.
by William J. Roberts, P.A.
Post Office Box 1386
Tallahassee, Florida 32302

PROJECT: Golf cart bridge across the sovereignty bottom of an arm of Horseshoe Bayou. No dredging or filling is required.

LOCATION: 0.07-acre parcel of sovereignty land in Section 27, Township 2 South, Range 21 West, Walton County, not in an aquatic preserve.

PAYMENT: \$100

STAFF REMARKS: Sandestin, Inc., a wholly owned subsidiary of the applicant, has filed construction application 66-37-2476E. Field Operations Division recommends approval of the project.

ECOLOGICAL RESPONSE:

Department of Pollution Control - This Department has completed its review of the proposed project as shown on the attached sketch and feels that it will not materially affect water quality in the subject area. Therefore, we are waiving the requirement for water quality certification. This waiver is subject to the condition that the work is done by utilizing the best practicable construction methods and siltation control devices in order to prevent water quality problems.

Staff requests authority to issue right of way easement for the consideration of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed without objection, the Trustees authorized issuance of the right of way easement as recommended.

-10-

GLADES COUNTY - Application to Purchase, File 2365-22-253.36
(May 14, 1970)

This application was deferred on May 7, 1974.

STAFF

DESCRIPTION: A parcel of reclaimed lake bottom land in Lake Okeechobee abutting State Lot 2 in Section 13, Township 40 South, Range 32 East, 3.85 acres

A. CITY AND COUNTY: Glades County

B. APPLICANT: Henry F. Seels, et ux
Route 2, Box 100
Moore Haven, Florida 33471

C. ACREAGE: (1) 3.85 acres
OFFER (2) Appraised value
APPRAISAL: (3) Staff appraiser on April 19, 1974, valued the parcel at \$9,625.00.

D. PURPOSE: To acquire reclaimed lake bottom land between the 17-ft. (Lake Okeechobee datum) contour line and the levee right of way line.

E. BIOLOGICAL REPORT: Not applicable

F. STAFF REMARKS: The parcel lies between uplands owned by the applicant and the rim canal and levee right of way line. The only access to the parcel is across the applicant's upland property.

May 21, 1974

On September 11, 1973, the Governing Board of the Central and Southern Florida Flood Control District authorized the District to recommend to the Trustees transfer of the 3.85 acres of reclaimed lake bottom land to Mr. and Mrs. Henry F. Seels, with the following hold and save clause:

"The grantees, their successors or assigns, agree to hold and save harmless the Central and Southern Florida Flood Control District, its successors or assigns, from any and all damages, claims or liability of any nature which may arise by reason of the level of water held by the District in Lake Okeechobee or Levee 50 of the Central and Southern Florida Flood Control Project."

On August 3, 1970, Mrs. Seels presented the following statement: "There is nothing contrary to the public interest in honoring properly the deed given us by the State twenty-five years ago, when we first purchased our property. We have protected our area for conservation and wildlife, and is one of the few spots on Lake Okeechobee where men have not bull-dozed the ecology around."

"The strip of bottom-land which lies between the 17-ft. contour line and the right of way line allows us passage to get our boat from our natural pond into the rim canal. It is not contrary to the public interest for us to have our rightful access to the lake as our other neighbors, who are upland owners, already have theirs. It was the interest in the lake which brought my father here as a "squatter" in 1925."

"When the Flood Control Board built the Hoover Levee in front of our property, we were all assured direct passage from our upland property back into the lake."

"We did not purchase it sooner due to the difficulties in locating an acceptable surveyor, and the problems of retirement. We were not in a position to keep it mowed of the jungle growth and weeds, as we are attempting to do now with our beautification program of establishing a new home."

"It is not (sic) contrary to the public interest that the home owners here in this area be deprived of their rights due to the errors of the widely known surveyor involved. His errors have been numerous."

The application was on the agenda for consideration on September 1 and October 27, 1970, and action was deferred.

On March 19, 1974, the Board authorized advertisement for objections. Notice was published in the Glades County Democrat on March 29, 1974, and no objections have been received as of the date this agenda was published.

Staff recommends that the sale be confirmed to the applicants for the consideration of \$9,625.00 with the conveyance to include the hold and save clause.

ACTION OF THE TRUSTEES:

Motion was made by Mr. Stone, seconded by Mr. Turlington, to sell the parcel of reclaimed land.

The applicants, present, strongly objected to the appraisal of this parcel of reclaimed land in front of their residence, pointing out that between 1965 and 1970 there were 25 similar sales ranging from \$420 to \$900 per acre, and they had offered the price the state asked in 1970, \$840 per acre, at which time the Board did not sell because it was said it could not be proved that the sale was in the public interest. Mrs. Seels said they had given land for two roads, it would be contrary to the public interest to deny right of way across riparian land to allow passage into the rim canal, and the assessment should not be changed from agricultural to commercial.

Mr. Shevin pointed out that the highest and best use shown on the appraisal was \$9,625, but Mrs. Seels objected that they wanted no commercial use in front of their residence.

Mr. Dickinson made a motion, seconded by Mr. O'Malley, to sell the parcel of land at \$840 per acre, in line with the fact that this applicant tried to acquire the land at that asking price in 1970. Governor Askew suggested sale at \$840 per acre with a deed restriction prohibiting use of the land for commercial purposes, which modification was accepted by Mr. Dickinson and Mr. O'Malley.

Mr. Conner commented that tax assessment of agricultural land was a problem all over Florida, the Board should not get into assessment or zoning, and he questioned whether it was right to place such a restriction in this deed.

The motion passed without objection to sell the parcel of land to the Seels at \$840 per acre with a restriction in the deed limiting use to single-family dwelling or agricultural purposes.

-11-

MONROE COUNTY - Proposed Settlement of Sea-Air Estates, Inc., Case

This item was withdrawn from the agenda of May 7, 1974.

The Board of Trustees presently has a suit pending in the U. S. District Court for the Southern District of Florida against the above referenced corporation for filling of sovereign lands.

Surveys conducted have indicated approximately three acres of bottom lands adjacent to the Marathon Airport were filled by the company over two years ago, in connection with a waterfront subdivision. The company has offered \$50,000 to the Board of Trustees in settlement of this matter.

The staff appraiser of the Board of Trustees has reviewed this proposed settlement in comparison to fair market values and what we might be entitled to should we be awarded a money judgement. He has concluded that this offer is very favorable to the Board.

Comments received from the U. S. Army Corps of Engineers and the Department of Pollution Control have indicated no objection to the above settlement.

Staff recommends that the Board approve the above offer in settlement of this encroachment.

ACTION OF THE TRUSTEES:

Mr. Kuperberg informed the Board that one objection to the proposed settlement had been received this morning by telegram from Richard Gosnell. Mr. Ken Oertel, staff chief counsel, was present to answer any questions that might be presented.

Motion was made by Mr. Dickinson, seconded by Mr. Stone and passed without objection, that the staff recommendation be approved and the offer be accepted in settlement of this encroachment.

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BROWARD COUNTY - Utility Installation Permit No. 06-23-2453
(January 28, 1974)

APPLICANT: Southern Bell Telephone and Telegraph Company
Post Office Box 5567, Room 820
Fort Lauderdale, Florida 33308

PROJECT: To dredge and backfill for installation of 90 feet of submarine cable to -10 feet mean low water across the South Fork of Cypress Waterway.

LOCATION: Section 11, Township 49 South, Range 42 East, Cypress Creek Waterway, Fort Lauderdale, Broward County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$50 received as utility installation processing fee.

May 21, 1974

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - If siltation is adequately controlled and the existing bottom profile is restored, this project should have limited short-term adverse effects and no long-term adverse effects on marine biological resources.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - This Department has completed its review of the proposed project and feels that it will not materially affect water quality in the subject area. Therefore, we are waiving the requirement for water quality certification. This waiver is subject to the condition that the work is done by utilizing the best practicable construction methods and siltation control devices in order to prevent water quality problems. Applicant is cautioned that any subsequent discharge that directly or indirectly affects water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for Class III waters, as prescribed in Chapter 17-3, Florida Administrative Code is a violation of the water quality standards of the State of Florida.

OTHERS: The City of Fort Lauderdale has no objection to the installation of the submarine cable.

Staff recommends issuance of the utility installation permit subject to the stipulation that siltation is adequately controlled and the existing bottom profile is restored.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation was accepted as the action of the Board.

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DADE COUNTY - Construction and Fill Permit No. 13-39-2215
(December 3, 1974)

APPLICATION: Mr. Florentino Rosell
30 Southwest 19th Road, Miami, Florida 33129

PROJECT: To construct 120 feet of vertical concrete seawall and backfill using 413 cubic yards of material obtained from the uplands.

LOCATION: Section 30, Township 53 South, Range 42 East, Biscayne Bay, Miami, Dade County, not in an aquatic preserve.

MATERIAL: 413 cubic yards of material to be used as backfill.

PAYMENT: \$50 received as construction permit processing fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - This area was inspected and samples taken in September, 1973 during the inspection of an adjacent project (T.I.I.T.F. File No. 13-39-1196). It is essentially a continuation of the shore to the north which was described in our comments to the Board of Trustees of the Internal Improvement Trust Fund on November 1, 1973. The description is as follows: The upland area west of the proposed fill area has already been filled. Fill material forms the shoreline, and concrete rubble, scrap metal, broken glass, etc., extends out into the intertidal area. Farther offshore the bottom slopes to -10 feet. Bottoms in this area are unvegetated and composed of silt and shell fragments. Organisms observed in the area include limpets, barnacles, grunts, mullet, and needlefish.

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The proposed bulkhead would eliminate the right angle discontinuity that would be formed by pending project No. 13-39-1196. However, it will replace an energy dissipating rubble shoreline with a vertical concrete bulkhead and will eliminate approximately 400 square yards of open water habitat. It would be more conservative if the applicant placed riprap at the toe of the bulkhead to afford protective habitat and site of attachment for marine organisms and to diminish reflected wave energy and scouring.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500, this will certify that the following project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of the Environmental Protection Agency and have been proposed as the effluent limitations under Section 301 (b), Public Law 92-500, Federal Water Pollution Control Act. The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same.

The applicant is cautioned that during the execution and/or maintenance of the subject project, creation of turbidity in the excess of fifty (50) Jackson Units (measured in accordance with Department Technical Memorandum 4-4) above the background level and/or directly or indirectly affecting the water quality in the aforementioned waterway in such a manner as to exceed the limitation on the concentrations of various constituents for such waters as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida.

This certification is subject to the stipulations that: (1) No stormwater will drain directly into the bay; (2) The waterward side of the seawall shall be riprapped; (3) Control devices will be used to minimize turbidity.

The applicant is hereby required to notify the Department of Pollution Control's Regional Office of the schedule of the project before beginning any work covered by this certification. All testing data shall be submitted to the Department of Pollution Control's Regional Office.

OTHERS: The Commission of the City of Miami at its meeting held on September 13, 1973, passed and adopted Resolution No. 73-658 granting permission to fill submerged lands.

Staff recommends issuance of the construction and fill permit subject to the stipulations by the Department of Pollution Control.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation was accepted as the action of the Board.

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MANATEE COUNTY - Fill Permit No. 41-13-0269
(Revised November 21, 1973)

APPLICANT: Commander B. J. May
3 Frederick Place, Medway, Ohio 45341

PROJECT: To fill 0.3 acres of submerged land and install sloping riprap seawall using approximately 680 cubic yards of fill obtained from an upland source. The applicant is proposing to convey approximately 1.24 acres of bay bottom back to the state (Deed No. 22813-800-14)

LOCATION: Section 31, Township 34 South, Range 17 East, Palma Sola Bay, Manatee County, not in an aquatic preserve.

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MATERIAL: Approximately 680 cubic yards of fill will be transported to the site.

PAYMENT: Not applicable.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed filling and riprap construction in the revised plan dated November 19, 1973 will eliminate cordgrass marsh and mangrove along a well vegetated shoreline. Although the applicant has proposed a riprap bulkhead rather than a vertical seawall and has reduced the proposed fill area to conserve marine resources, the proposed construction will still have significant adverse effects on marine life.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that the revised project would have significantly adverse hydrographic effects. The applicant, however, should be advised that unless properly designed, riprap structures are subject to settlement, undermining and displacement. Therefore, careful consideration should be given to the slope, type stone, embedment and filter bedding for the proposed riprap structure.

Game and Fresh Water Fish Commission - The applicant's fourth revision to install a retaining wall beyond the existing shoreline and to fill behind the wall includes modifications in the alignment and location of the seawall and a change to riprap material for the structure. These modifications would somewhat reduce the scope of the project as presented in previous applications and should reduce the impact on fish and wildlife resources proportionately.

However, the present proposal still would require the removal of shoreline vegetation such as red and black mangroves and cordgrass. This flora provides habitat for a variety of marine fauna and serves as a valuable component in the food chain of the aquatic ecosystem. Reference is made to our report of December 20, 1972 for a list of species observed.

To best preserve the fish and wildlife resources of this area and to compensate for the loss of vegetation that would occur, our agency recommends that mangroves be replanted along the base of the proposed riprap seawall.

DEPARTMENT OF POLLUTION CONTROL - April 19, 1974: Certification will be issued promptly at the expiration of the required 20-day period following publication and subject to the receipt of no adverse comments.

Staff recommends issuance of the fill permit subject to the following stipulations: (1) The proposed riprap structure be placed on adequate filter bedding and mangroves be replanted along the proposed riprap seawall; (2) Issuance of certification by the Department of Pollution Control.

ACTION OF THE TRUSTEES:

Mr. Kuperberg called attention to a correction on the agenda of 600 cubic yards of fill to 680 cubic yards.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board.

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MONROE COUNTY - Dredge Permit No. 44-21-1384E

An application from Webster L. Brainerd to perform maintenance dredging in Section 11, Township 66 South, Range 32 East, Hawk Channel, Monroe County, was withdrawn from the agenda for further review.

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MONROE COUNTY - Dredge Permit No. 44-25-1734

Island in the Sun Condominiums of Key West, Florida, Inc., made application to dredge 50,000 cubic yards of material for an

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upland boat basin 820 feet long by 400 feet wide to -5 feet mean low tide with spoil to be deposited on uplands; to construct 1,620 feet of riprap seawall and backfill using 60,000 cubic yards of material obtained from uplands; and to install mooring dolphins in the upland boat basin, in Township 67 South, Range 25 East, Cow Key Channel, Atlantic Ocean, Key West, Monroe County.

Mr. William J. Roberts, applicant's attorney, by letter of April 23, 1974, requested the appointment of a hearing examiner by the Board pursuant to Chapter 120, Florida Statutes, in order to prepare an adequate record for the Board to consider in its determination of whether to approve the application.

Attorney General Shevin stated that Chapter 120 speaks in terms of permits and licenses; counsel is entitled to a hearing before a hearing officer who will make a recommendation to the Board.

On motion by Mr. Shevin, seconded by Mr. Dickinson and passed without objection, action was deferred pending a hearing as requested by the applicant's attorney.

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OKALOOSA COUNTY - Modification of Dredge and Construction
Permit No. 46-39-1231
(Revised April 23, 1974)

APPLICANT: United States Air Force
Eglin AF Auxiliary Field No. 9
Base Civil Engineer
Hurlbert Field, Florida 32544

PROJECT: To modify Dredge Permit No. 46-39-1231 to include the repair and replacement of 650 feet of vertical seawall, repair existing boat ramps and relocate the existing fuel pad.

LOCATION: Section 13, Township 2 South, Range 25 West, Santa Rosa Sound, Okaloosa County, not in an aquatic preserve.

Dredge permit No. 46-39-1231 was approved on November 26, 1973.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The applicant proposes to replace an existing bulkhead in a marina basin connected to Santa Rosa Sound. We previously reviewed a proposal for maintenance dredging in the basin and partial replacement of the subject bulkhead (August 29, 1973). Review of our files and aerial photos provided by the applicant indicate that the proposed bulkhead replacement in the marina basin will not significantly affect marine biological resources.

Game and Fresh Water Fish Commission - We have reviewed aerial photographs and previous reports concerning this proposal and do not foresee any significant biological problems with this revision.

DEPARTMENT OF POLLUTION CONTROL - The Department does not object to the project as revised and shown on the maps provided effective measures are taken to minimize turbidity problems during dredging operations. Applicant is cautioned that any subsequent discharge that directly or indirectly affects water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for Class III waters as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the water quality standards of the State of Florida.

Staff recommends issuance of the modified dredge and construction permit subject to the following stipulations: (1) The entrance channel is to be dredged to a uniform width of 50 feet, a maximum depth of -7 feet mean low water; (2) Spoil material is to be deposited on adequately diked and baffled uplands, (3) Turbidity control devices are to be used during all construction and dredging operations, and (4) Material fee is to be waived upon proof that spoil will be placed on public lands and used for public purposes.

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ACTION OF THE TRUSTEES:

It was noted that the correct permit number of this project was 46-39-1231.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation with stipulations was approved as the action of the Board.

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POLK COUNTY - Correction of Minutes, Marina License ML-95

On January 3, 1973, agenda item #34, the Trustees approved Marina License ML-95 to R. F. Puterbaugh covering 9,166 sq. ft. of sovereignty land in Crooked Lake in Section 6, Township 31 South, Range 28 East, Polk County, for \$183.32 annual fee.

Calculation of the area within the metes and bounds description shows that only 7,636 sq. feet of sovereignty land is in the marina facility, for which the annual fee should be \$152.72.

Staff requests authority to correct the minutes and the ML-95 file from 9,166 square feet to 7,636 square feet and \$183.32 to \$152.72.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board authorized the corrections to be made in the minutes and marina license file.

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POLK COUNTY - Renewal of Marina License Permit No. ML-95
(Expiration Date: January 3, 1974)

APPLICANT: R. F. Puterbaugh
Post Office Box 165
Babson Park, Florida 33827

PROJECT: To renew Marina License No. ML-95 for one year.

LOCATION: Section 6, Township 31 South, Range 28 East, Cody Cove, Crooked Lake, Polk County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$152.72 received as payment of fee covering 7,636 square feet of sovereignty land.

STAFF REMARKS: Field Operations Division reports that construction appears to have been carried out in accordance with the submitted drawings.

Staff recommends renewal of the marina license at the annual fee of \$152.72.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board approved renewal of Marina License No. ML-95 for one year at the annual fee of \$152.72.

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ST. LUCIE COUNTY - Artificial Reef Permit No. 56-32-1941
(October 31, 1973)

APPLICANT: City of Fort Pierce
c/o Milton H. Davis, City Manager
500 Boston Avenue, Fort Pierce, Florida 33450

PROJECT: To construct an artificial reef 300 feet wide by 10,500 feet long with a marker buoy to be anchored at each end of the reef; North end coordinate Lati-

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tude 27 degrees 31 minutes 13 seconds, Longitude 80 degrees 16 minutes 55 seconds and South end coordinate Latitude 27 degrees 29 minutes 31 seconds, Longitude 80 degrees 16 minutes 55 seconds, approximately one mile east of Pepper State Park in the Atlantic Ocean.

LOCATION: One mile east of Pepper State Park, Atlantic Ocean, St. Lucie County, not in an aquatic preserve.

MATERIAL: Approximately 5,000 cubic yards of concrete rubble to be used for construction of the artificial reef.

PAYMENT: \$50 received as artificial reef fee.

STAFF REMARKS: Field Operations Division recommends approval of the exemption application as proposed. Field Operations Division further recommends that the Department of Natural Resources be asked to comment since the project would appear to be in their area of expertise. Possibly they may have valuable suggestions to make.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Nautical Chart 845-SC, 1965, depicts the proposed reef site as a fish haven: an artificial reef was constructed of automobile bodies in 1962. The proposed placement of concrete rubble on this site would not adversely affect marine biological resources while it can be expected to improve fishing by concentrating fish. Because high profile artificial reefs are more effective and less apt to be covered by shifting bottoms, an effort should be made to maximize profile height within the constraints of the -30 foot top elevation limits. Also, extraneous materials such as loose scrap metal, fine particles and floatable debris, which contribute to degradation of water quality, should not be used as reef material.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - The Department has reviewed the subject project and has no objections to the project.

Staff recommends issuance of the artificial reef permit with the stipulation only concrete rubble be utilized for construction of the reef.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board authorized issuance of the artificial reef permit to the City of Fort Pierce with the stipulation that only concrete rubble shall be used in construction of the reef.

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ALACHUA COUNTY - Murphy Act Land Sale (Hardship Act)
(April 15, 1974)

APPLICANT: J. L. Matthews
Post Office Box 1090, Gainesville, Florida

REPRESENTED
BY: E. Covington Johnston, Attorney at Law
Gainesville, Florida

REQUEST: Application under Section 197.386, Florida Statutes, Chapter 28317, Acts of 1953 (Hardship Act) to purchase two parcels of land described as follows: That portion of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 33, Township 6 South, Range 18 East, lying North of the graded road running East and West through the NE $\frac{1}{4}$ of the section; and That portion of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 34, Township 6 South, Range 18 East, lying North of the graded road running East and West through the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of the section, all lying and being in Alachua County, Florida.

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OFFER: \$350 for these two parcels of land. The 1932 assessed value was \$4.50 per acre or \$157.50 for the 35 acres of land.

STAFF

COMMENTS: Tax Sale Certificate Nos. 442 and 443 of 1932, apparently were overlooked when Tax Sale Certificate Nos. 218 of 1935 and 219 of 1936 were redeemed March 6, 1942.

The applicant is the former owner on June 9, 1939. The applicant appears to qualify under the so-called "Hardship Act."

There has been deposited with the Clerk of the Circuit Court of Alachua County an amount equal to the sum of all state, county taxes and assessments due to the date of the application.

Staff recommends conveying the interest of the State of Florida in these parcels of land to J. L. Matthews for \$350, following established policy of \$10 per acre.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board authorized conveyance of the interest of the State of Florida in these two parcels of land to J. L. Matthews for \$350.00.

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DADE COUNTY - Consent to Sublease

APPLICANT: Seminole Rock Products, Inc.
Miami, Florida

REQUEST: Consent to sublease Mining Lease No. 2429 to Vulcan Materials Company, a New Jersey Corporation.

Mining Lease No. 2429 was issued to Seminole Rock Products, Inc., the high bidder, on April 14, 1970, for a period of ten years with the option to renew for two succeeding ten-year terms. The lease gives the lessee the right to mine and manufacture limerock from 1,000 acres in Sections 22 and 23, Township 53 South, Range 39 East, Dade County.

Staff legal counsel has reviewed and approved sublease instrument as to form and legality. Seminole Rock Products, Inc., will remain primarily responsible to the Trustees for compliance with the terms and conditions of the lease.

Staff recommends consenting to sublease.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board of Trustees consented to the sublease of Mining Lease No. 2429 by Seminole Rock Products, Inc., to Vulcan Materials Company.

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PALM BEACH AND HENDRY COUNTIES - Oil Lease Assignment

APPLICANT: Walter W. Manley
120 East Pine Street
Lakeland, Florida 33802

REQUEST: Approval of assignment to Shell Oil Company of State Drilling Lease No. 2743, dated March 19, 1974, covering 4,332.04 net mineral acres of land in Palm Beach and Hendry Counties.

Walter W. Manley has filed an executed copy of the assignment approved as to form and legality by staff legal counsel.

Staff recommends approval of assignment.

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ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board of Trustees approved assignment of State Drilling Lease No. 2743 to Shell Oil Company.

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SANTA ROSA COUNTY - Advertise an Oil and Gas Lease

APPLICANT: Amoco Production Company
New Orleans, Louisiana 70150

REQUEST: Advertise an oil and gas lease for sealed bids covering a portion of Blackwater River State Forest

LOCATION: SE $\frac{1}{4}$ of Section 8; S $\frac{1}{2}$ of Section 9, less Lots 14, 15 and 20 of Block 9, Beland Farm Subdivision; S $\frac{1}{2}$ of Section 10, less Lots 8 and 9 of Belandville Plat A; SW $\frac{1}{4}$ of Section 11; W $\frac{1}{2}$ of Section 14; all Section 15, less Lot 8, Block 15 of Beland Farm Lot Subdivision; all of Section 16, less Lots 3, 4 and 5 of Block 16 of Beland Farm Lot Subdivision; E $\frac{1}{2}$ of Section 17; NE $\frac{1}{4}$ of Section 20; NE $\frac{1}{4}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$, W $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 21, Lots 5 and 6, Beland Farm Lot Subdivision; all of Section 22 and W $\frac{1}{2}$ of Section 23 in Township 5 North, Range 26 West, Santa Rosa County, containing 4,263 surface acres (1,065.75 net mineral acres).

INTEREST OF STATE: The Board of Trustees holds title to the fee with an undivided $\frac{1}{4}$ interest in the petroleum and petroleum products. The United States owns the remaining $\frac{3}{4}$ interest in the minerals.

All proceeds from the proposed lease will go to the Department of Agriculture and Consumer Services.

The Division of Forestry has reviewed the proposed leasing and approves offering of these lands for lease subject to drilling operations being prohibited in the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 10 due to a progeny test site of improved seedlings.

The Game and Fresh Water Fish Commission which operates a Wildlife Management Area on this part of the Forest, has reviewed and approved offering these lands for lease.

This request has been reviewed by the Oil and Gas Administrator, Department of Natural Resources, who concurs in the following recommendation.

Recommend advertising for sealed bids for a five-year primary term oil and gas drilling lease with annual rental of \$1 per net mineral acre, 1/6 royalty, \$50,000 surety bond and at least one test well every 2 $\frac{1}{2}$ years drilled to a depth of 6,000 feet or to a depth sufficient to test the Norphlet Sands. Drilling will be prohibited on the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 10.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board of Trustees.

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DADE COUNTY - Artificial Reef Permit No. 13-32-2363
(January 7, 1974)

APPLICANT: Al Pflueger Artificial Reef, Inc.
c/o Al Pflueger, Jr.
2052 Northeast 121 Road, North Miami, Florida

PROJECT: To construct an artificial fishing reef 9,099 feet long by 2,022 feet wide, of poured and broken concrete, drilled and anchored tires, metal relics and one Liberty Ship 431 feet long by 54 feet wide,

cut down to the 15 foot mark, cleaned before transporting to the site, and scuttled in 125 to 180 feet of water at the proposed location approximately 4.6 nautical miles northeast of Miami Beach.

LOCATION: Center of site is 25 degrees 49 minutes 34 seconds North Latitude, 80 degrees 04 minutes 54 seconds West Longitude or 4.6 nautical miles northeast of Miami Beach, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$50 received as payment for an artificial reef permit.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - This office has cooperated in the development and review of Draft Environmental Impact Statements for the Liberty Ship Artificial Reef program, of which this project is a part.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - This Department has completed its review of the proposed project as shown on the attached sketch and feels that it will not materially affect water quality in the subject area. Therefore, we are waiving the requirement for water quality certification. This waiver is subject to the condition that the work is done by utilizing the best practicable construction methods and siltation control devices in order to prevent water quality problems. Applicant is cautioned that any subsequent discharge that directly or indirectly affects water quality in the adjacent waterway in such a manner as to exceed the limitations of various constituents for Class III waters, as prescribed in Chapter 17-3, Florida Administrative Code is a violation of the quality standards of the State of Florida. This letter does not waive any permits that may be required from local governing authorities, the Trustees of the Internal Improvement Trust Fund, the U.S. Army Corps of Engineers or other responsible agencies.

Stipulation: Note: This certification waiver is subject to the stipulation that the materials used are free of greases, oils and other pollutants.

OTHERS: Artificial Reef Permit No. 2398 was issued by the Board of Trustees on March 12, 1970 and expired on March 12, 1972.

Staff recommends issuance of the Artificial Reef Permit subject to the stipulation that the materials used are free of greases, oils and other pollutants.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board approved issuance of the artificial reef permit subject to the stipulation that materials used be free of greases, oils and other pollutants.

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OKALOOSA COUNTY - Artificial Reef Permit No. 46-32-2573
(March 4, 1974)

APPLICANT: Board of County Commissioners of
Okaloosa County
Crestview, Florida 32536

PROJECT: To construct an artificial fishing reef in the Gulf of Mexico, of a Liberty Ship 431 feet long by 54 feet wide, cut down to the 15 foot mark, cleaned before transporting to the site, and scuttled in 76 to 80 feet of water at the proposed location approximately 6½ miles south of Destin, Florida.

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LOCATION: Loran Coordinates 3H0-3694, 3H1-3241 (30 degrees, 16.7 minutes North, 86 degrees 30.7 minutes West) approximately 6½ miles south of Destin, Gulf of Mexico, Okaloosa County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: Applicant requests waiver of the fee for an artificial reef permit.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - A draft Environmental Impact Statement prepared by this Department has been transferred to the appropriate Federal Agencies.
Division of Marine Resources - This agency offers no objection.
Game and Fresh Water Fish Commission - This agency offers no objection.

DEPARTMENT OF POLLUTION CONTROL - This agency does not object to the placement of the Liberty Ship artificial reef in the proposed location provided the ship has been properly prepared for sinkage. The Department of Natural Resources has assured our Department that materials which would have adverse effects on water quality will be removed. Our Department and the EPA will be given an opportunity to make a physical inspection of the ship and voice any objections or recommendations we might have before the ship is towed to the offshore reef site.

Staff recommends issuance of the artificial reef permit and waiver of the processing fee subject to the following stipulations: (1) All petroleum products and other contaminants are to be removed from the ship prior to being transferred to the site; (2) Reef is to be properly and permanently buoyed.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Board approved issuance of the artificial reef permit and waiver of the processing fee subject to the two stipulations recommended by the staff.

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BRADFORD COUNTY - Dedication of Land for Fair Purposes

APPLICANT: Bradford County Fair Association, Inc.
 Starke, Florida

REQUEST: Transfer to the Bradford County Fair Association Inc., for fair purposes, of 1.23 acres, more or less, of land in use by and under control of the Department of Highway Safety and Motor Vehicles.

LOCATION: 1.23 acres in SE¼ of SE¼ of Section 16, Township 6 South, Range 22 East, Bradford County.

The parcel of land requested by the Fair Association is adjacent to the present fair property and is a part of the Florida Highway Patrol Station in Starke on State Road 200 (U.S. 301). The Fair Association by resolution adopted on October 28, 1973, requested this additional land for expansion of the present fairgrounds.

The Department of Highway Safety and Motor Vehicles has reviewed this request and recommends transfer of the land subject to use of the land for fair purposes only.

Staff recommends transfer of the 1.23-acre parcel of land to the Bradford County Fair Association, Inc., for uses as authorized by Chapter 616, Florida Statutes, subject to reverter for unauthorized use, and conditioned upon receipt of notice from Bradford County Commissioners that the county does not want the land for public outdoor recreational purposes under Section 253.111, Florida Statutes.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation was approved as the action of the Board of Trustees.

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COLLIER COUNTY - Modification of School Deed Restrictions

APPLICANT: Collier County School Board

REQUEST: Modify reverter language in Trustees Deed No. 25112

LOCATION: 180 acres in Section 12, Township 49 South,
Range 25 East, Collier County

In 1970 the Trustees conveyed 180 acres by Deed No. 25112 to the Collier County School Board for school purposes. This deed contained the following language:

"To have and to hold the same in fee simple as long as the premises are used solely for public school purposes, failing which, the premises described hereinabove shall revert to the grantor."

The Collier County School Board now desires to commence construction on a portion of this land, but an attorney board member has raised a question with regard to the language in the existing reverter clause.

In order to accommodate this reverter language problem and to assist in expediting proposed construction, it is suggested that the following language be substituted for the reversionary language in the deed:

"The within described land is conveyed for use only for public school purposes. In the event said land shall cease to be used for said purposes, the same shall be conveyed only pursuant to written approval of the State Board of Education and the Board of Trustees of the Internal Improvement Trust Fund, and the proceeds from sale or transfer shall be used only for public school purposes."

The requested modification of the reversionary language in the deed has been reviewed by the counsel for the Board of Education who states this substitute language would both protect the use of the property and satisfy objections to the title.

Staff recommends modifying the reversionary language in Deed No. 25112 as set forth above by the Collier County School Board reconveying the 180 acres to the Board of Trustees in exchange for a deed containing the modified reversionary language.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the Trustees authorized modification of the reversionary language in Deed No. 25112 as requested by the Collier County School Board, which will reconvey the 180 acres to the Trustees in exchange for a deed containing the modified reversionary language.

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MONROE COUNTY - Dredge Permit No. 44-39-0426
(Revised September 24, 1973)

APPLICANT: Fred S. Squires
B & F Land Design Corporation
9828 Southwest 77 Avenue
Miami, Florida 33156

PROJECT: To dredge approximately 8,300 cubic yards of material from a proposed access channel 600 feet long by 40 feet wide to -5 feet mean low water, and construct an upland boat basin 70 feet to 105 feet long by 180 feet wide to -5 feet mean low water, with the spoil to be placed on uplands.

LOCATION: Section 18, Township 63 South, Range 38 East, Atlantic Ocean, Monroe County, not in an aquatic preserve.

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MATERIAL: A total of 8,000 cubic yards of material to be dredged, approximately 2,000 cubic yards to be from State owned lands.

PAYMENT: Payment will be sent for material removed from state-owned submerged lands upon request.

STAFF REMARKS: Field Operations Division recommends approval of the application as received.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The size and location of the access channel have not been altered. On December 4, 1973, the site was revisited and conditions had not changed significantly from those upon which the May 15, 1973 biological report was based. This revision is less conservative in regard to marine resources: The proposed riprap will permanently alter more natural inter-tidal and submerged land than the previous proposal; the proposed breakwater will cause a right angle discontinuity in the natural shoreline that will extend offshore 550 feet. This discontinuity will alter inshore currents and collect decaying vegetation. The deposition of riprap in open, shallow water and the construction of a 550 foot access channel can be expected to have significant adverse effects on natural marine resources. It is in the best interests of such resources to locate waterfront communities in areas that have access to deep water or require minor alteration of shoreline and submerged land.

Bureau of Beaches and Shores - A hydrographic survey will not be required. The circulation and replenishment within the revised marina will be substantially better than that of the originally proposed marina. The use of riprap to line the approach channel, however, is questionable since it will not offer any substantial stability to the channel and may prove to be a hazard to small boat navigation.

Game and Fresh Water Fish Commission - Our field inspection team has reviewed the revised application and offers no objections to its implementation provided the recommendations submitted in our letter of June 28, 1973 are adhered to.

DEPARTMENT OF POLLUTION CONTROL - The Department has conducted a review of the project site and revised application. In the July 9, 1973 letter, the comments made reference to water quality degradation which will occur by eliminating the natural shore lines and which provide a natural system which will limit water quality degradation. Those comments are still valid. In addition, there is an existing channel adjacent to the proposed project. The connection of the basin to the existing channel would minimize the adverse effects on the water quality in the area. The Department does not intend to issue a water quality certification for this project.

Staff recommends issuance of the dredge permit with the following stipulations: (1) Riprap breakwater be eliminated from the project design; (2) Turbidity controls be utilized during channel dredging and upland basin construction; (3) All fill be placed landward of the mangrove trees; (4) Access channel be modified to connect an existing navigation channel immediately Northeast of the proposed channel location; (5) Receipt of payment for dredged material from state-owned land at the Monroe County rate of \$1.50 per cubic yard.

ACTION OF THE TRUSTEES:

Mr. Kuperberg reported that the staff had received verbal statement that the Department of Pollution Control will certify the project.

On motion by Mr. Dickinson, seconded by Mr. Stone and passed without objection, the staff recommendation and stipulations as listed on the agenda were approved as the action of the Trustees.

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DADE COUNTY - Marina License, Construction and Fill Permit
No. 13-39-1462.

At the request of the attorney for the City of Miami Beach, the Trustees deferred consideration of the application of the city to construct finger piers, a fuel dock and bridge, and to install breakwater to encompass the proposed marina facility.

Consideration of the agenda item numbered 30 was temporarily deferred until the end of this meeting.

On motion by Mr. O'Malley, seconded by Mr. Stone and passed unanimously, the rules were waived for consideration of four items added after the original agenda was printed.

-31-

JACKSONVILLE CITY COUNCIL RESOLUTION - ST. JOHNS RIVER MAINTENANCE
DREDGED SPOIL DEPOSIT

This is placed on the agenda at the request of the office of the Governor.

Resolution No. 74-494-1361 which was passed on May 14, 1974, by the Jacksonville City Council, forwarded to the Governor by Chairman of the Duval County State Legislative Delegation, Honorable Dan Scarborough, requests the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to prohibit the depositing of maintenance dredge spoil dredged from the St. Johns River on or the lateral expansion of Quarantine Island or any other state-owned lands in the Port of Jacksonville, except the state-owned area known as "Grassy Point" until such time as the federally funded St. Johns River model study is completed, any plans in connection therewith finalized and appropriate public notice given.

OTHERS: Petition of May 7, 1974, by 217 persons, represented by Mr. William E. Neill, to Col. Emmett Lee, Jr., U. S. Army Corps of Engineers, Jacksonville District, requests denial of permits or extension of existing permits to deposit dredged material on the Grassy Point Spoil Area.

Staff recommends continued utilization of the Grassy Point open-water spoil area for disposal of slip-maintenance dredging material only, until December 31, 1976 or until the St. Johns River model study of the Mill Cove area is available, whichever occurs first.

ACTION OF THE TRUSTEES:

Mr. Kuperberg said that approximately 120,000 cubic yards a year had to be dredged out in order to keep the slips at usable depth, as siltation is a serious problem in the Port of Jacksonville, and material may be quite toxic in nature.

Motion was made by Mr. Stone, seconded by Mr. Dickinson, to approve the staff recommendation.

Mr. Shevin said one of the issues brought to his attention was that the Corps of Engineers had been delaying maintenance dredging in the river. He asked that the motion be amended to authorize his office to take mandamus action to get maintenance dredging done pursuant to approval of the Board and Resolution No. 74-494-1361 passed on May 14, 1974, by the Jacksonville City Council.

Mr. Turlington seconded the amendment which passed without objection.

The motion on the staff recommendation, as amended, passed unanimously.

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-32A-

ST. JOHNS COUNTY - Correction of agenda and minutes, September 4, 1973; Right of Way Easement File 2509-55-253.03

On September 4, 1973, the Trustees approved the application for a right of way easement to the Department of Transportation, as follows:

APPLICANT: Department of Transportation
Haydon Burns Building, Tallahassee,
Florida 32304

PROJECT: Highway and bridge construction for State Road 312 across Matanzas River. No dredging or filling of submerged land is required as the river and entire flood plain will be spanned.

LOCATION: 14.29 acre parcel of sovereignty land in unsurveyed Sections 29 and 32, Township 7 South, Range 30 East, St. Johns County.

ECOLOGICAL RESPONSES: Department of Natural Resources, Survey and Management - Construction of the proposed bridge and highway (State Road 312) does not involve dredging or filling biological productive submerged lands and should not have significant adverse effects on marine biological resources. Beaches and Shores - This bureau has no objection to the subject construction.

Game and Fresh Water Fish Commission offers no objections to the preliminary plans for the above mentioned project, provided the following conditions are met: 1) No presently established drainage pattern should be blocked. 2) Any navigable streams crossed by the highway should be crossed with a pier bridge that traverses the entire flood plain. Also, it should be high enough to allow for normal boat traffic. 3) No storm drainage should be allowed to enter any body of water other than an isolated catch basin designed for that purpose. 4) Precautions should be taken to prevent any unnecessary disruption of the environment during construction (stream turbidity, etc.).

Department of Pollution Control - Certification will be issued upon notification of Trustees' approval.

Staff requests authority to issue the right of way easement.

It has been determined that the description of the work area should have been shown as:

14.29-acre parcel of sovereignty land in unsurveyed Sections 29 and 30, Township 7 South, Range 30 East,

and that the contractor does require some dredging and filling for which Application File No. 55-39-2512 has been submitted (see Item 32B on May 21, 1974, agenda).

Staff requests authority to correct the agenda and minutes of September 4, 1973, and Right of Way Easement File 2509-55-253.03, to show the correct section numbers (Sections 29 and 30) and to delete the statement that "No dredging or filling of submerged land is required as the river and entire flood plain will be spanned."

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed unanimously, the corrections were authorized by the Trustees.

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ST. JOHNS COUNTY - Dredge, Fill and Construction Permit 55-39-2512 (May 21, 1974)

APPLICANT: Houdaille-Duval-Wright Division
c/o Mr. Robert W. Unkefer
Post Office Box 1588
Jacksonville, Florida 32201

May 21, 1974

PROJECT: To dredge 70,000 cubic yards of material for proposed access ramps to be deposited on an upland diked spoil area backfill using 70,000 cubic yards of borrow material obtained from uplands and install culverts under construction ramp at required locations.

LOCATION: Sections 29 and 41, Township 7 South, Range 30 East, Matanzas River, St. Augustine, St. Johns County, not in an aquatic preserve.

MATERIAL: 70,000 cubic yards of material to be dredged and deposited on an upland dike spoil site, and backfill using 70,000 cubic yards of borrow material obtained from uplands.

PAYMENT: \$50 received as dredging processing fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The applicant will experiment in adjacent marshlands during the construction period to determine the best method of marsh restoration. Alternatives proposed are: (1) to remove all fill material excavating to approximately 2 feet to 3 feet below the original elevations and refilling to original elevations with the mud that had been removed, and (2) removing fill material to original marshland elevations allowing the substratum fill material to remain as a substrate for marshland revegetation.

A project of this nature and magnitude will have a significant adverse impact on a sensitive marsh community, the degree and duration depending on the success of the proposed marsh restoration. The method by which the marsh is restored should be based on the proposed restoration experiments. If the second alternative, removing the fill to original elevations without refilling with marsh mud, is successful in the experiments, this method of restoration is preferable because it obviates refilling and minimizes disturbance. Cordgrass transplanting has been successfully practiced in Florida and should be made part of the restoration program to reduce the time of revegetation. All creeks should be restored when marshland elevations are restored, and silt screens should be maintained until elevation restoration is completed. If the marsh restoration is successful, the proposed dredging and filling should not have significant long-term adverse effects on estuarine biological resources.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects, provided that culverts of adequate size are installed through the work ramp at the location of existing tidal creeks in the construction area.

Game and Fresh Water Fish Commission - The applicant is well aware of the biological assets of this area from previous meetings. We would like to know the proposed location of the diked area which is to contain the dredged marsh mud. It does not appear in the application drawings and therefore, was not examined during our field inspections. Emphasis should be made on the placement of numerous culverts under the construction ramp. It would be better if the tidal creek areas were bridged; the installation of culverts would require considerable more disturbance to the creek area than the careful construction of short bridges. After the bridge has been completed, it would probably be best to remove the ramp to a little below marsh level instead of replacing the marsh mud which has been removed and stockpiled. The composition of the mud would be altered by its drying and oxidizing. We encourage the applicant's efforts to aid in the re-establishment of the natural marsh vegetation.

DEPARTMENT OF POLLUTION CONTROL - The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same.

Stipulations

1. Houdaille's "experimental project" for determining the best method to re-establish the marsh, which was stated in the application, is endorsed by this office. This study is to be coordinated through the Regional Office of this Department and suggestions from other agencies, such as the Department of Natural Resources should

May 21, 1974

be solicited. In the event that time proves too short to permit a proper evaluation it is the recommendation of this Department to restore the area by carefully removing the sandy fill material to an elevation slightly below the existing marsh level. Then, in order to provide for the restoration of the oyster beds, three (3) inches of suitable clutch material, such as whole oyster and/or clam shells (not shell-hash) is to be deposited as fill. This operation should be done under the field supervision of an oyster biologist to be supplied by the applicant. In no case should the previously removed organic material be replaced in the area.

2. It is desired that the finger ramps be removed as soon as possible as bridge construction progresses. This is to allow the area to restore itself in stages as it takes considerably longer for an area to rebound back, once it has been destroyed.

3. On the west side of the river, culverts and short work bridges are to be placed across the existing tidal creeks. The determination of the specifications and locations for the culverts and bridge structures are to be coordinated with the Regional Office of the Department of Pollution Control.

Staff recommends issuance of the dredge, fill and construction permit subject to the following stipulations: (1) Marsh restoration should be based on the proposed restoration experiments; (2) Cordgrass transplanting should be made part of the restoration program; (3) All creeks should be restored when marshland elevations are restored; (4) Culverts and short work bridges are to be placed across the existing tidal creeks; (5) Numerous culverts are to be made under the construction ramp; (6) Water quality certification as issued by the Department of Pollution Control; (7) Silt screens are to be utilized and maintained during all construction and restoration activities.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Dickinson and passed unanimously, the staff recommendations with stipulations as listed were approved as the action of the Board.

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HILLSBOROUGH COUNTY - Dredge and Construction Permit 29-39-2507
(February 13, 1974)

APPLICANT: Agrico Chemical Company
Post Office Box 3166
Tulsa, Oklahoma 74101

PROJECT: To perform maintenance dredging in an area 3,500 feet long by 250 feet wide, to -35 feet mean sea level, for the removal of 650,000 cubic yards of material from an existing boat slip with the spoil to be deposited on two upland diked spoil sites, and construct 29 cellular caisson docks.

LOCATION: Sections 9 and 10, Township 31 South, Range 19 East, Tampa Bay, Port Redwing Area, Hillsborough County, not in an aquatic preserve.

MATERIAL: 650,000 cubic yards of material to be dredged from privately-owned submerged lands will be deposited at two upland diked spoil sites.

PAYMENT: No payment required for dredged material, as the dredged area is privately owned.

STAFF REMARKS: There are no significant environmental concerns. Further delay in maintenance dredging the existing slip will cost the applicant undue economic hardship.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed maintenance dredging should not have significant adverse effects on marine biological resources provided silt and clay are contained on upland areas as shown in the application. Agencies responsible for the protection of water quality should carefully review and monitor the proposed dredging operation.
Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable the seawall construction and main-

tenance dredging of 2,130 feet of existing canal, as shown on the plans, would have significantly adverse hydrographic effects. Game and Fresh Water Fish Commission - Our environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same. This certification is subject to the stipulation that any flow from diked area shall be monitored in accordance with Class III Waters as specified in Chapter 17-3, Florida Administrative Code and maintained in accordance with requirements. The applicant is cautioned that during the execution and/or maintenance of the subject project, creation of turbidity in the excess of fifty (50) Jackson Units (measured in accordance with Department Technical Memorandum 4-4) above the background level and/or directly or indirectly affecting the water quality in the aforementioned waterway in such a manner as to exceed the limitation on the concentrations of various constituents for such waters as prescribed in Chapter 17-3, Florida Administrative Code, is a violation of the Water Quality Standards of the State of Florida.

OTHERS: The Tampa Port Authority at its meeting held on February 19, 1974 approved Permit No. TPA 73-18 submitted by Agrico Chemical Company.

Staff recommends issuance of the dredge and construction permit subject to the stipulation that any flow from diked area shall be monitored in accordance with Class III Waters.

ACTION OF THE TRUSTEES:

On motion by Mr. Stone, seconded by Mr. Turlington and passed without objection, the Trustees authorized issuance of the dredge and construction permit to Agrico Chemical Company provided that any flow from the dikes area shall be monitored in accordance with Class III Waters.

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Hearing to be held by Board of Trustees on petition filed on behalf of Clarence H. Gifford, Jr., and others similarly situated, by M. Stephen Turner, regarding Ocean Reef Club, Inc., Snapper Point Area, Monroe County, Florida.

ACTION OF THE TRUSTEES:

On this date a hearing was held by the Board of Trustees on the petition filed on behalf of Clarence H. Gifford, Jr., and others similarly situated, represented by M. Stephen Turner, regarding Ocean Reef Club, Inc., represented by William J. Roberts, concerning the Snapper Point area in Monroe County. A complete official transcript of this hearing, prepared by the office of the Secretary of State, is on file in the office of the Board of Trustees.

Attorney General Shevin, commenting to set the matter in perspective on this legal question, said it was uncontroverted that the state deeded this property to the present owner's predecessor in title as swamp and overflow land; this was an evidential hearing for the purpose of deciding if there was sufficient ground for the Trustees to assert jurisdiction or ownership over some or all of Snapper Point, and if the Trustees decide not to assert jurisdiction on that land, the Board's jurisdiction ends where the bulkhead line was set and the matter would end there as far as the Trustees are concerned. Mr. Shevin said the issues of nuisance because of certain stacked material or of obstruction of view are not before the Board but are issues before the Federal District Court, Southern District of Florida, in a case filed by Mr. Gifford against Ocean Reef Club. Relevant evidence would be that evidence shedding light on whether some or all of the land in question is or was below the mean high water line or connected to a navigable waterway.

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Motion was made by Mr. Stone, seconded by Mr. Shevin and passed unanimously, that the Trustees' chief counsel, Kenneth Oertel, be allowed to ask questions of any witness.

Governor Askew administered the oath to the witnesses present to offer testimony. When the Governor left the meeting shortly thereafter, Secretary of State Stone assumed chairmanship of the hearing.

Mr. M. Stephen Turner, attorney for Mr. Gifford and other complaining owners of property on Sunset Cay, summarized the stipulations by both parties. In his opening statement Mr. Turner contended that approximately 90% of the 40 to 50 acres in question is below mean high water, the setting of the bulkhead line in 1973 was arbitrarily done without a ground survey and was erroneous, the subsequent ground survey did not accurately reflect the mean high water line and the bulkhead line should be rescinded, various members of the staff and others involved believed the area in question was below mean high water and was sovereign land immediately bordering on Card Sound, and the filling begun in August 1973 occurred in this most dubious area. Mr. Turner said he would present a summary of four depositions, photographs, and expert testimony.

Because it appeared that he would be present for only part of the hearing, having an emergency insurance hearing scheduled, Mr. O'Malley made a motion that a hearing officer be appointed to hear this matter and report his findings and recommendation to the Board. Mr. Dickinson seconded the motion. During the discussion Attorney General Shevin said he agreed with Mr. Roberts' objection that there is no provision in the statutes for examiners in this kind of proceeding, but the Board probably had the right to appoint a hearing officer as long as the Board made the ultimate decision. Mr. M. Elliott Messer, representing complainants, explained that the request had been made previously for a hearing examiner in order not to take so much of the Board's time.

The vote on the motion for a hearing examiner failed to pass with negative votes recorded by Messrs. Shevin, Turlington, Conner and Stone. Mr. O'Malley voted "Aye".

Proceeding with the hearing, the attorneys stipulated as to copies and dates of certain recorded plats of areas within Tract D. In the course of Mr. Turner's presentation and examination of witnesses he filed exhibits for the record identified as follows:

1. North Key Largo Bulkhead Line, Part 1, map by Post, Buckley, Schuh and Jernigan, Inc.
 2. Surveyor's certificate by Post, Buckley, Schuh and Jernigan, Inc., dated April 12, 1973
 3. Correspondence dated August 9, 1973, Turner to Kuperberg; August 17, 1973, VanNorman to Turner; August 22, 1973, Turner to Kuperberg
 4. "Cease and desist" telegram and letter, Executive Director of Trustees to Morris Burke
 5. "Affidavits"
 6. Department of Natural Resources memorandum and report
 7. Attorney General Opinion No. 064-61 dated May 13, 1974
 8. Excerpts from Minutes of Trustees, December 15, 1970.
 9. Deposition of J. R. VanNorman
 10. Deposition of Terry Sullivan
 11. Deposition of Chuck Schnepel
 12. Deposition of M. D. Bryant
 13. William H. Taff resume
 14. Ocean Reef Club, Inc., plat
 15. Study by Dr. Clinton Dawes, Dr. Robert Livingston and Dr. William Taft,
- Unnumbered - "Answer", Defendant, Ocean Reef Club, Inc., answers the Amended Complaint.

Mr. Turner read portions of the depositions of Mr. VanNorman, Mr. Sullivan and Mr. Schnepel as bearing out his claim that these members of the Trustees' staff thought there was evidence that the area in question was sovereignty in character. For the same purpose he also read from the deposition of Mr. Mickey Bryant of the Department of Pollution Control.

Mr. Turner called as an expert witness Dr. William Taft who stated his qualifications. Dr. Taft discussed visiting the area in question on April 13, 1974, with Dr. Robert Livingston from Florida State University and Dr. Clinton Daws from the University of South Florida. Dr. Taft's testimony, answers to questions by Mr. Turner and cross-questioning by Mr. Roberts indicated that in Dr. Taft's opinion the area in controversy was below mean high water. He also responded to questions by Mr. Kenneth Oertel and members of the Board.

Mr. William J. Roberts, attorney for defendant company, submitted as evidence records showing that the land in question is currently owned by his client, and a booklet of exhibits including aerial photographs, maps, affidavits and other documents. He stated that the only issue before the Board was the determination as to whether the Board has any interest in Snapper Point by virtue of sovereignty, that in the original government township plat there are no meanders in the vicinity of Snapper Point that give rise to sovereignty lands, Snapper Point was sold into private ownership as a fractional section based on the 1872 survey as swamp and overflow land and has been continually in private ownership and taxes paid since that time.

Mr. Roberts called as expert witnesses (1) Dr. Earl R. Rich, who stated his qualifications and testified to having worked in the Snapper Point area since the fall of 1972 and (2) Dr. Durbin C. Tabb who stated his qualifications and answered questions. In testimony and answers to questions and cross-questioning by Mr. Turner, Dr. Rich and Dr. Tabb expressed their opinion that the area in question was upland and not sovereignty land below mean high water.

Mr. Joel Kuperberg, Executive Director of the Board of Trustees, called as a witness and responding to questioning by Mr. Roberts, stated that he made recommendations to the Board on determinations of private and state ownership of lands, that his recommendation to the Board as to whether or not the state had any claim of ownership on the Snapper Point area was based on numerous photographic studies, on-site inspection, a registered surveyor's report and further documentation of the initial report, field studies and staff reports, an aerial photograph documented by the National Ocean Survey to have been made at a mean high water time on April 12, 1928, and a T-series Chart dated 1935. Mr. Kuperberg answered questions of Mr. Turner and Board members with particular reference to the 1928 photograph, the T-series Chart, and the bulkhead line survey by Post, Buckley, Schuh and Jernigan.

At this point in the meeting Mr. Shevin noted that only three members were present and a decision would not be made on this date.

In response to Mr. Messer's questions with reference to the establishment of the bulkhead line and water areas shown in aerial photographs, Mr. Kuperberg explained that the staff recommended the bulkhead line based on a registered engineer's word as to the mean high water line, that pursuant to an objection regarding a portion of the bulkhead line a further investigation was conducted, that the land shown in a particular photograph had been scraped and cleared a number of times over the years and was not in its virgin condition at the time of photography and that, to the best of his knowledge, the protested filling was not done before the bulkhead line plat was signed.

Mr. Turner questioned Mr. Jack Deasy of the Trustees' staff with reference to lines on certain photographs which to Mr. Deasy did not appear to be mosquito control ditches. Mr. Roberts questioned Mr. Deasy as to qualifications and experience.

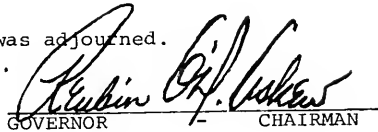
Attorney General Shevin suggested that the two opposing lawyers present a closing argument limited to 20 minutes each at the next meeting of the Board of Trustees.

It was so ordered.

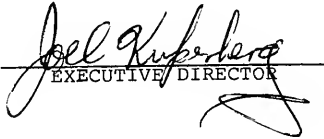
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Comptroller Dickinson, presiding during the latter part of the hearing, declared the hearing closed at 7:15 p.m.

On motion duly adopted, the meeting was adjourned.


GOVERNOR CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

* * * * *

Tallahassee, Florida
June 4, 1974

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Haydon Burns Building with the following members present:

Richard (Dick) Stone	Secretary of State, Acting Chairman
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller
Ralph D. Turlington	Commissioner of Education
Doyle Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

Action taken by the Board at this meeting was pursuant to unanimous vote of the members present, unless the contrary is specifically reflected in the minutes.

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On motion passed without objection, the minutes of May 7, 1974, were approved as submitted.

ST. JOHNS RIVER - Deposit of Dredged Spoil Material

On May 21, 1974, the Trustees extended use of the Grassy Point open-water spoil area for disposal of dredge material until December 31, 1976, and authorized the Attorney General to seek mandamus action for the Army Corps of Engineers to take a position to maintain dredging in the St. Johns River. That legal action had been taken, and the Attorney General subsequently had asked the Executive Director to attend a meeting in Jacksonville with Colonel Emmett Lee, members of the City Council, the Mayor, representatives of the state environmental agencies, and others.

Reporting on the meeting called by the Committee of 100, Mr. Kuperberg stated that the end result of the meeting was that the first 5-year portion of the 20-year plan appeared generally acceptable to a majority of those present. This 5-year plan calls for continued use of the Grassy Point spoil area until December 31, 1974. Beginning January 1, 1975, the Port Authority would make available a spoil area at Quarantine Island within dikes constructed by the Corps of Engineers from channel deepening spoil material. Future maintenance spoil would be pumped into this new, diked spoil area on Quarantine Island, which the Director thought was a step in the right direction. The staff will likely suggest that, because the Mill Cove residents were concerned about going beyond 5 years, there be a temporary easement granted for Quarantine Island. Before the end of the 5 years there will be a completed model study indicating the long-range outlook for Mill Cove. Two actions of the Trustees would be needed, (1) granting of an easement adjacent to Quarantine Island for the dike construc-

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tion, and (2) at some time in the future the Trustees would have to consider an additional easement if the 20-year plan is to be implemented. Mr. Kuperberg recommended the 5-year easement but that the 20-year easement not be granted until there is a completed study and a long-range plan. Mr. Zeller of Environmental Protection Agency and Mr. Crowder of Department of the Interior had agreed to respond within 10 days with a position, probably favorable.

Mr. Walter Thomas, president of Local 805 National Brotherhood of Boiler Makers, introduced union officials and members and submitted a petition asking the Board to support continued use of the Grassy Point area for deposit of maintenance dredged spoil, as the Corps' decision had adversely affected the community.

Mr. James Sugrue, vice president of Jacksonville Shipyard, opposed the 5-year plan but supported the 20-year plan with the study.

The Attorney General's staff was preparing a new lawsuit which would attempt in the federal court to reverse, for economic, health, safety and public interest reasons, the Corps' decision. But he would defer filing the lawsuit because of information he received yesterday from Representative J. R. Forbes and other Jacksonville representatives who were trying to work out an agreement with the Army Corps of Engineers on this spoil disposal matter so important to the Port of Jacksonville.

On motion by Mr. Conner, seconded by Mr. Turlington and passed unanimously, the Attorney General was authorized to take the matter to court at his own discretion.

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SANTA ROSA COUNTY - Dedication of State Forest Land

APPLICANT: Santa Rosa County

REQUEST: Dedication of 0.18-acre parcel of land in Santa Rosa County for a fire station site.

LOCATION: 0.18-acre parcel in the NE $\frac{1}{4}$ of Section 18, Township 4 North, Range 26 West, Santa Rosa County, being a part of the Blackwater River State Forest.

The Board of County Commissioners of Santa Rosa County by resolution adopted on March 28, 1974, requests the Trustees to dedicate this parcel of land to the county for the location of a volunteer fire department building. The county agrees to accept a dedication of the parcel for fire control purposes and further agrees that in the event the parcel is not used for a fire station for a period of two years, the title would revert to the state.

The Department of Agriculture and Consumer Services recommends the dedication. The Commissioner of Agriculture states the parcel is a centralized location for the community of Munson and ideally suited as a fire station site, as numerous state buildings and several residences will have the protection of this volunteer fire department.

Staff recommends dedication of the 0.18-acre parcel of land to Santa Rosa County for fire control purposes only, with a reverter clause in event of use for other than fire control purposes or for non-use for a period of two years and subject to all construction plans being approved by the Division of Forestry.

ACTION OF THE TRUSTEES:

On motion by Mr. Turlington, seconded by Mr. Conner and passed unanimously, the Trustees approved dedication of the 0.18-acre parcel of land to Santa Rosa County for fire control purposes only, subject to reversion in event of use of the land for other purposes or for non-use for a period of two years and subject to approval of all construction plans by the Division of Forestry.

June 4, 1974

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OKEECHOBEE COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: Shell Oil Company
New Orleans, Louisiana

REQUEST: Consideration of sealed bids for an oil and gas drilling lease.

LOCATION: Section 16, Township 35 South, Range 35 East, containing 639.64 surface acres and Section 16, Township 35 South, Range 36 East, containing 640 surface acres in Okeechobee County.

INTEREST OF STATE: The State Board of Education holds a reserved undivided one-half interest in the petroleum and petroleum products in these two sections (639.82 net mineral acres). All proceeds from the proposed lease will go to the School Fund.

On April 16, 1974, (Agenda Item #22) the Board authorized advertising for sealed bids for a five-year oil and gas lease requiring an annual rental of \$1 per net mineral acre, \$50,000 surety bond 1/6 royalty and at least one test well drilled to a depth of 6,000 feet or to a depth sufficient to test the Sunniland pay zone, whichever is deeper.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and the Okeechobee News, with bids to be opened at 10:00 a.m. (EDT) on June 4, 1974, for consideration by the Trustees. The right to reject any or all bids is reserved.

Staff recommends consideration of bids.

ACTION OF THE TRUSTEES:

Mr. James T. Williams, of Land Records Division, reported that in response to advertised notice for sealed bids, one bid was received from Shell Oil Company in the total amount of \$21,971.42 which was rental of \$639.82 plus a bonus bid of \$33.34 per acre. He recommended acceptance of the bid.

On motion by Mr. Turlington, seconded by Mr. Conner and passed unanimously, the Trustees accepted the bid and authorized oil and gas drilling lease issued to Shell Oil Company.

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LEE COUNTY - Oil Lease Assignment

APPLICANT: Exchange Oil and Gas Corporation
New Orleans, Louisiana

REQUEST: Approval of assignment of an undivided one-eighth interest in State Drilling Lease No. 2653-HRS covering 502.12 acres (Sunland Training Center at Fort Myers) in Lee County from Robert K. Hughes to Exchange Oil and Gas Corporation.

Lease was issued to Exxon Corporation and Robert K. Hughes, jointly, on April 4, 1973. Provision No. 13 of the lease provides that lease shall not be assigned in whole or in part until the Lessor shall approve and consent in writing to such assignment. Instrument of assignment has been filed and approved as to form and legality by staff legal counsel.

Staff recommends approval and consent to assignment.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the Trustees approved the request and consented to assignment as requested by Exchange Oil and Gas Corporation.

June 4, 1974

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PALM BEACH COUNTY - Seismic Survey Permit
(March 25 and April 24, 1974)

APPLICANT: Shell Oil Company
Post Office Box 1411
Arcadia, Florida

REQUEST: Permission to conduct a seismic survey across
state-owned land

LOCATION. A line running across Sections 3, 9, 10, 15
and 22, Township 43 South, Range 39 East;
Section 16, Township 47 South, Range 35 East;
and Sections 1 through 12, 15, 22, 27, and 34,
Township 47 South, Range 36 East, Palm Beach
County.

The Game and Fresh Water Fish Commission and Central and
Southern Florida Flood Control District have no objections
to the survey.

The Department of Natural Resources, Division of Interior
Resources, has no objection, providing any holes that are
drilled are plugged by the applicant with customary cone-type
plug devices set three to four feet below ground surface with
cement placed on top.

The Division of Corrections, Department of Health and Rehabili-
tative Services, user of Sections 3, 9, 10, 15 and 22, Township
43 South, Range 39 East, has approved the seismic survey across
these lands.

Staff recommends granting to Shell Oil Company permission to
conduct its seismic survey across these state lands subject
to the condition that all holes drilled are plugged in the
manner approved by the Department of Natural Resources.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed
unanimously, the Trustees approved the staff recommendation to
grant permission for the seismic survey subject to the condition
that all holes drilled be plugged in the manner approved by the
Department of Natural Resources.

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ST. AUGUSTINE AIRPORT AUTHORITY

The St. Augustine Airport Authority, in the eminent domain
proceedings pending in the case of St. Augustine Airport
Authority, Petitioner, v. Cyril K. Hannason, et al, Defendants,
being Case No. 133 in the Circuit Court of the Seventh Judicial
Circuit in and for St. Johns County, Florida, deposited money
in the registry of the court in the amount of \$25,000. This has
remained on deposit pending a claim by John D. Mays and Laura
F. Mays to certain swamp and overflowed lands being condemned.
The claim was denied by the United States Court of Appeals for
the 5th Circuit on the grounds of lack of jurisdiction of the
federal courts to consider the issue.

While the eminent domain proceedings were pending the Trustees
dedicated the land claimed by Mr. and Mrs. Mays to the St. Augus-
tine Port Authority. The attorney for the claimants is agreeable,
inasmuch as the Trustees hold a judgment for costs in an amount
in excess of \$5,000, and the Port Authority agrees to redeposit
any amount rendered as a verdict in condemnation to be paid to
the Trustees or to Mays as the respective rights may be determined.

Staff requests authority to advise the Clerk of the Circuit
Court of St. Johns County to release the funds to the St. Augus-
tine Airport Authority.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed
unanimously, the Trustees authorized the staff to advise the Clerk
of the Circuit Court of St. Johns County to release the funds to
the St. Augustine Airport Authority.

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VOLUSIA AND BREVARD COUNTIES

Committees of the United States Congress are now considering bills to establish the Spessard L. Holland National Seashore north of Cape Canaveral and the Kennedy Space Center. Included within the boundary of the proposed national seashore is the Apollo State Park and adjacent submerged lands. The State of Florida has been requested to indicate its position as to donation of these state lands to the federal government for the proposed national seashore to be created in memory of Florida's 28th governor and United States senator.

Staff recommends transfer of Apollo State Park lands, subject to stipulations of the Florida Department of Natural Resources, and dedication of sovereignty lands included within the boundaries of the proposed national seashore to the United States by appropriate instruments upon establishment of the national seashore.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the staff recommendation was approved as the action of the Trustees.

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VOLUSIA COUNTY - Application for Quitclaim File 2569-64-253.12(6)
1.968 acres
(April 2, 1974)

STAFF DESCRIPTION: Two parcels of filled sovereignty land in the Halifax River abutting Section 39, Township 15 South, Range 33 East, Volusia County.

- A. CITY AND COUNTY: Daytona Beach, Volusia County
- B. APPLICANT: Motor Investment Corporation
- C. APPLICANT'S REPRESENTATIVE: William J. Roberts, P.A.
Post Office Box 1386, Tallahassee, Florida
- D. ACREAGE: 1.968 acres
RATE PER ACRE: \$1,250 for the parcels as of 1957
- E. APPRAISAL: Memorandum by staff appraiser, May 17, 1974.
- F. PURPOSE: Not applicable.
- G. BIOLOGICAL REMARKS: Not applicable
- H. STAFF REMARKS: The applicant applied for a quitclaim deed pursuant to Section 253.12 (6) Florida Statutes, which provided that "Where any person, state agency, county, city or other political subdivision prior to June 11, 1957, extended or added to existing lands or islands bordering on or being in the navigable waters as defined in this section by filling in or causing to be filled in such lands, the board shall upon application therefor convey said land so filled to the riparian owner or owners of the upland so extended or added to. The consideration for such conveyance shall be the appraised value of said lands as they existed prior to such filling."

Two affidavits have been submitted which state that the fill existed in place prior to December 28, 1956.

Field Operations Division reports that it appears that the parcels qualify for a quitclaim deed.

Staff requests authority to issue the quitclaim deed for the consideration of \$1,250.

June 4, 1974

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the Trustees approved issuance of the quitclaim deed as recommended by the staff for \$1,250, and the instrument was executed by the members present.

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LEE COUNTY - Right of Way Easement, File No. 2553-36-253.03
(March 1, 1974)

APPLICANT: Department of Transportation
Haydon Burns Building
Tallahassee, Florida 32304

PROJECT: (DOT Section 12075-2405 & Stations 560+53.76 through 622+00). Highway and bridge construction for public highway purposes as and for right of way for public State Road No. 93 (I-75). Neither the bridge plans nor plans for the roadway indicate the necessity for dredging or filling below the mean high water line. South of the river, all of the fern marsh is being purchased as part of the right of way. All drainage from the proposed road will be directed through this marsh. No direct drainage will be made into either the Orange or the Caloosahatchee Rivers.

LOCATION: 15.64 acre parcel for easement in the Caloosahatchee River, Sections 27 and 34, Township 43 South, Range 25 East, Lee County, not in an aquatic preserve.

PAYMENT: Not applicable.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - April 25, 1974: The proposed I-75 crossing of the Caloosahatchee River would involve filling approximately 600 feet of leather fern marsh and bridging another 1,200 feet of tidal marsh and mangrove on the south shore of the river. The proposed bridge would extend northward over a mangrove island and terminate 500 feet landward of the north shore on a spoil area. The north shore of the river has been previously filled with spoil. Immediately north of the proposed Caloosahatchee River Bridge, the proposed roadway would extend through a high, sand cordgrass marsh which was previously impounded and partially filled. A second bridge is proposed across a tidal creek and high marsh, consisting of sand cordgrass and leather fern, would be filled for roadway construction north of this bridge. The proposed project terminates in partially impounded marsh adjacent to an old creek bed.

The most damaging effect of the proposed project would be the filling of leather fern marsh located south of the river. The Department of Transportation is proposing to acquire and preserve the leather fern, custard apple, and mangrove wetlands between the Orange River and the proposed roadway and this will, to some degree, offset the adverse effects of the proposed project. To best conserve marine biological resources, however, the entire marsh should be bridged. The second area of concern is located north of the proposed tidal creek bridge where the roadway would be constructed and terminate in sand cordgrass marsh. Wetlands and creeks north of this project should be bridged.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - April 15, 1974: The Environmental Protection Section of the Florida Game and Fresh Water Fish Commission has reviewed the above referenced Interstate 75 crossing of the Caloosahatchee River and offers no objections to its implementation as proposed provided adequate turbidity control measures are provided during all construction phases of the project.

The Department of Transportation has foreseen that portions of the proposed project (12075-3405: Stations 560+53.76 through 636+82.04) would be crossing an environmentally sensitive wetland area and

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has chosen to separate the initial project into two independent projects: (1) Project 12075-3405: Stations 560+53.76 through 622+00 and (2) Project 12075-3406: Stations 622+00 through 636+82.04). The above "no objection" comments are directed at Stations 560+53.76 through 622+00 and do not include Stations 622+00 through 636+82.04.

DEPARTMENT OF POLLUTION CONTROL - March 6, 1974: The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same.

Turbidity barrier and other necessary measures should be taken to assure that turbidity is properly controlled and that fill materials are stabilized within the road right of way.

The applicant is hereby required to notify the Department of Pollution Control's Regional Office on the schedule of the project before beginning any work covered by this certification. All testing data shall be submitted to the Department of Pollution Control's Regional Office.

October 29, 1973 - Starting on the southern shore, the proposed bridge begins at Station 558.5. As such, 500 feet of extensive leather fern marsh will be filled. This proposal is recommended for approval provided that DOT acquires the contiguous marsh to the west and uses it for storm water filtration. An extensive interchange is proposed just south of the bridge on S.R. 80. Filtering the storm effluent through the leather fern marsh will substantially limit pollutants from reaching the waters, thus negating any loss caused by fill for the interstate. The remaining 1,000 feet of leather fern marsh will be bridged.

On the northern bank additional elevated roadway is absolutely necessary between Station 624.5 and Station 639.5. Within this area are at least two tributaries to Pop Ash Creek. Existing plans call for filling of these creeks. Water quality of the creeks is excellent; dense populations of fresh water clams cover the bottom providing filtration of particulates and nutrients. The surrounding marsh is predominately Juncus with scattered red mangroves and leather fern on the creek banks. A spoil bank has been placed along the northern bank of the tributary creek, probably by Mosquito Control. This should be removed at Station 628 to re-connect the portion of the creek north of the spoil bank.

STAFF REMARKS: In addition to the recommendations by Department of Pollution Control, it should be strongly recommended that the Department of Transportation purchase the mangrove and fern marsh located on the south side of the Caloosahatchee River. The area could serve as a natural buffer and nutrient trap for runoff from the bridge. Runoff at the proposed intersection at State Road 80.

Staff requests authority to issue the right of way easement subject to the stipulations: (1) Acquisition of the abutting upland by the Department of Transportation; (2) Roadway design provide for maintenance of high water coverage of wetland areas to be crossed by causeway section.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the staff recommendation for issuance of the right of way easement with the two stipulations set out in the agenda was approved as the action of the Trustees.

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CHARLOTTE AND SARASOTA COUNTIES: Permit Nos. 253.123-1177, 253.123-1180, 08-10-285, 08-31-0150, 08-24-0266, 08-39-1340, and 08-39-1917. (May 10-25, 1972, August 23-25, 1972, November 19, 1972 and August 24, 1973).

APPLICANT: General Development Corporation
1111 South Bayshore Drive
Miami, Florida 33131

June 4, 1974

PROJECT: Various projects ranging from land acquisition and bulkhead line approvals to dredge and fill works on Charlotte Harbor and Myakka River in Charlotte County. (These projects cover an area 14 miles wide in an East-West director).

LOCATION: Section 15, 18, 19, 22, 25, 26, 27, 30, 32, and 33, Township 40 South, Range 21 East; Sections 10, 14, 23, 24, 26, and 35, Township 41 South, Range 21 East; Sections 29, 31, and 32, Township 40 South, Range 22 East.

STAFF REMARKS: The interagency task force was approved on February 19, 1974 (item #4) to work with representatives of General Development Corporation toward resolving the problems of permitting in navigable waters adjacent to Port Charlotte.

State environmental agencies and General Development Corporation representatives have held two meetings in an effort to resolve the problems involving subdivided lands, some of which has been sold on time contracts, and contractual agreements between General Development Corporation and lot owners require permits to connect to navigable waters of the State of Florida. An extension of time is required to resolve the permitting requirements for General Development Corporation and Port Charlotte development.

Staff recommends that the interagency task force be extended for 120 days to resolve permitting requirements in the General Development Corporation's Port Charlotte Development.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the Trustees extended the life of the interagency task force for 120 days to resolve the requirements for permits in the Port Charlotte Development of General Development Corporation.

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DADE COUNTY - Construction Permit No. 13-39-1309
(Revised February 1, 1974)

APPLICANT: Leeward Point, Inc.
16390 Northeast 28 Avenue
North Miami Beach, Florida 33161

PROJECT: To construct approximately 1,000 feet of vertical concrete seawall, with riprap to be placed at the toe on the waterward side, connecting to existing seawall.

LOCATION: Lots 36 through 51 and 54 through 61 of Block 3, Eastern Shores, Section 10, Township 52 South, Range 42 East, Maule Lake, North Miami Beach, Dade County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$50 received as construction permit processing fee.

STAFF REMARKS: Applicant has submitted affidavits for reclamation of eroded lands as provided by Chapter 253.124(8).

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - May 2, 1974: The present revision has incorporated shallow swales just landward of the proposed vertical concrete bulkhead. The location of the bulkhead remains unchanged from the original application. For this reason, our comments of November 9, 1973 are still applicable.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - November

June 4, 1974

9, 1973: Shallow rocky bottoms populated with oysters provide protective habitat for small marine organisms. To best conserve marine biological resources, riprap should be used on the emergent rocky beach, and the intertidal land should not be altered.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - The revisions dated December 20, 1973 do not reflect our request of January 3, 1974. We have no objections to this project if riprap is used along the shoreline to provide a suitable substrate for marine life.

DEPARTMENT OF POLLUTION CONTROL - Please be informed that this office has received and reviewed the storm drainage plans for the proposed project. Swales will be provided along the street and seawalls. This office offers no objection to the construction of the seawall above mean high water if the applicant will place rubble riprap seaward of the bulkhead.

Staff recommends issuance of the construction permit with the stipulation that riprap be placed along the entire waterward face of the vertical seawall.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the staff recommendation for issuance of the construction permit with stipulation pertaining to riprap was approved as the action of the Trustees.

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LEE COUNTY - Construction Permit No. 36-39-1269
(Revised January 24, 1974)

APPLICANT: James Nolton
24 West Mariana Avenue
North Fort Myers, Florida 33903

PROJECT: To construct 132 feet of vertical concrete seawall and a cantilever dock 15 feet long by 15 feet wide within an existing artificial canal.

LOCATION: Section 32, Township 43 South, Range 25 East, Caloosahatchee River and Canal, Lee County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The revised sketch indicates the proposed seawall will be located mostly above mean high water and would not extend along the riverfront. This revision will better conserve emergent vegetation and shallow waters.

Bureau of Beaches and Shores -- A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same.
Stipulation:

1. The seawall is only to be constructed within the interior section of the canal and is not to extend out onto that portion of the property bordering the Caloosahatchee River. Construction is to be diapered.

Staff recommends issuance of the construction permit subject to water quality certification as issued by the Department of Pollution Control.

June 4, 1974

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the staff recommendation was approved as the action of the Trustees.

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PINELLAS COUNTY - Construction Permit No. 52-37-1334
(Revised January 15, 1974)

APPLICANT: Seaboard Coast Line Railroad Company
c/o William M. Smith
Post Office Box 391, Tallahassee, Florida 32302

PROJECT: To construct a bridge 267 feet 6 inches long by
14 feet wide, with a 34-foot beam span over navigation
channel, to replace an existing bridge.

LOCATION: Section 7, Township 27 South, Range 16 East,
Anclote River, Pinellas County, not in an
aquatic preserve.

MATERIAL: No dredging involved in project..

PAYMENT: \$50 received as construction permit processing
fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Seaboard Coast Line Railroad Company is proposing to replace an existing timber and steel bridge with a concrete and steel bridge on the same alignment. The railroad is presently situated on a causeway fill which extends through black rush marsh both north and south of the Anclote River. The proposed bridge replacement should not have significant adverse effects on marine biological resources provided adjoining black rush marsh is not filled or otherwise disturbed during construction activities.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objection to its issuance.

DEPARTMENT OF POLLUTION CONTROL - This Department offers no objections to the subject project. Certification will be issued upon notification of Trustees' approval.

OTHERS: (1) The Pinellas County Water and Navigation Control Authority at its regular scheduled meeting issued a letter of "no objection" to the project. (2) United States Department of Interior, Bureau of Sport Fisheries and Wildlife, has no objection to issuance of the permit.

Staff recommends issuance of the construction permit subject to the stipulation that the adjoining black rush marsh is not filled or otherwise disturbed during construction activities.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the staff recommendation was approved as the action of the Trustees.

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PINELLAS COUNTY - Utility Installation Permit No. 52-23-2176
(November 9, 1973)

APPLICANT: Florida Power Corporation
Post Office Box 14042
St. Petersburg, Florida 33733

June 4, 1974

PROJECT: To dredge and backfill to install 2,840 feet of submarine cable to -16 feet mean low water across the channel plus 25 feet on each side of channel and to -8 feet mean low water across the bay and remove the existing submarine cables.

LOCATION: Sections 30 and 31, Township 31 South, Range 16 East, Boca Ciega Bay, City of South Pasadena and St. Petersburg Beach, Pinellas County, in Aquatic Preserve G-19.

MATERIAL: No dredging involved in project.

PAYMENT: \$50 received as payment of utility installation processing fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposed cable installation adjacent to the Old Corey Causeway should not have significant adverse effects on marine biological resources provided siltation is controlled during installation.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project will have significantly adverse effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - This Department has completed its review of the proposed project as shown on the attached sketch and feels that it will not materially affect water quality in the subject area. Therefore, we are waiving the requirements for water quality certification. This waiver is subject to the condition that the work is done by utilizing the best practicable construction methods and siltation control devices in order to prevent water quality problems.

OTHERS: The Pinellas County Water and Navigation Control Authority at its regular meeting on October 2, 1973 approved DO-297 permit for installation of the subaqueous cable.

Staff recommends issuance of the utility installation permit subject to the stipulation that the work be done by utilizing the best practicable construction methods and siltation control devices in order to prevent water quality problems.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed without objection, the staff recommendation was approved as the action of the Trustees.

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DADE COUNTY - Marina License and Construction Permit 13-30-1511 (August 27, 1973)

APPLICANT: Zuckerman-Vernon Corporation
541 Lincoln Road
Miami Beach, Florida 33139

PROJECT: Construct a perimeter dock 373 feet long by 5 feet wide, 9 finger piers 35 feet long by 4 feet wide, and a sitting dock 40 feet long by 15 feet wide, to occupy 14,901 square feet of sovereignty land.

LOCATION: Section 23, Township 53 South, Range 42 East, Indian Creek, Dade County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$298.00 received as payment of annual fee covering 14,901 square feet of sovereignty land.

June 4, 1974

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The limited amount of bottom alteration necessary for this project should not have significant adverse effects on marine biological resources, provided adequate measures are employed to minimize siltation.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same. This certification is subject to the stipulation of no live-aboards or overnight stays on vessels.

Staff recommends issuance of the marina license and construction permit subject to the stipulations that adequate measures be employed to minimize siltation and that there will be no live-aboards or overnight stays on vessels.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the Trustees accepted the staff recommendation for issuance of the marina license and construction permit subject to the recommended stipulations.

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DUVAL COUNTY - Marina License and Construction Permit 16-30-0916
(June 28, 1973)

APPLICANT: Ortega Development Company, c/o Waverly J. Ray, Jr.
38 East 17 Street, Jacksonville, Florida 32206

PROJECT: To construct a T-shaped dock 101 feet long by 8 feet to 77 feet, 6 inches wide to occupy 1,364 square feet of sovereignty lands.

LOCATION: Section 42, Township 2 South, Range 26 East, St. Johns River, Jacksonville, Duval County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$100 received as minimum annual marina license fee covering 1,364 square feet of sovereignty lands.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES - No objection to the proposed project.

Game and Fresh Water Fish Commission - We have reviewed the above-captioned permit and have no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - In response to your request, please be advised that certification will not be required for the subject project. This type of project is considered exempt from the certification requirements of Public Law 92-500.

Staff recommends issuance of the construction permit and marina license at the annual license fee of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the Trustees authorized issuance of the permit and marina license as recommended by the staff.

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FRANKLIN COUNTY - Marina License and Construction Permit 19-30-2579E
(March 4, 1974)

June 4, 1974

APPLICANT: Clyde W. Truxell, III
Gulf Pride Seafood, Inc.
2901 Bluff Road
Apalachicola, Florida 32320

PROJECT: To construct a dock extension 120 feet long by 10 feet wide, to occupy 2,640 square feet sovereignty land.

LOCATION: Section 21, Township 8 South, Range 8 West, Apalachicola River, Franklin County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$100 received as minimum annual marina license fee covering 2,640 square feet of sovereignty land.

STAFF REMARKS: Field Operations Division: Recommend approval of the exemption application as received.

Staff recommends issuance of the construction permit and marina license at the minimum annual license fee of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the Trustees authorized issuance of the permit and marina license as recommended by the staff.

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POLK COUNTY - Marina License and Construction Permit 53-30-1299
(Revised January 29, 1974)

APPLICANT: Kent Tyus Enterprises, Inc., c/o Eric W. Bull
2211 Lee Road, Winter Park, Florida 32789

PROJECT: To construct a dock 120 feet long by 8 feet wide, 11 finger piers, a wooden walkway 120 feet long by 8 feet wide, to connect the docking facility to the uplands, and a gazebo 30 feet by 30 feet, to occupy 10,050 square feet of sovereignty lands.

LOCATION: Section 19, Twp. 28 S., Rge. 26 E., Lake Howard, Polk County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$201 received as payment for annual marina license fee covering 10,050 square feet of sovereignty lands.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Comments deferred to Game and Fresh Water Fish Commission.

Game and Fresh Water Fish Commission - The revised permit application is for a commercial dock and gazebo for the use of condominium residents on Lake Howard. It is our understanding that no dredging or filling is proposed and that the littoral grasses will not be disturbed. The revised plan should have minimal environmental impact if these conditions are followed.

There appear to be several problems in the design of the dock itself. The highest lake elevation on record occurred in 1960 and was 133.19 feet mean sea level. This water level would result in the inundation of the proposed structure. The partially controlled lake elevation regularly fluctuates between 129.5 feet mean sea level and 132.0 feet mean sea level which implies that during low stages the depth between the dock's lateral extensions and shore may be less than one foot or even dry. Approval of the docking facility as designed in no way infers that we will approve later dredging if boat docking becomes a hardship. We suggest that the dock be redesigned to avoid these problems.

June 4, 1974

We also suggest that the applicant consider providing a passageway for public usage through the dock. This would aid the wading fishermen who frequent the Winter Haven lakes.

DEPARTMENT OF POLLUTION CONTROL - The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same. This certification is subject to the stipulation that there is no dredging and/or filling but only construction of dock as shown.

Staff recommends issuance of the marina license and construction permit with the stipulations that there be no dredging or filling, only dock construction as shown, and that there be pedestrian height clearance beneath the walkway.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the staff recommendations with stipulations were approved as the action of the Trustees.

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PUTNAM COUNTY - Marina License and Construction Permit 54-30-2065
(December 5, 1973)

APPLICANT: River Bend Builders
Post Office Box 4850
Jacksonville, Florida 32201

PROJECT: To construct a dock 110 feet long by 6 feet wide, 8 fingers piers 17 to 24 feet long by 4 feet wide, and a wooden walkway 17 feet 4 inches long by 6 feet wide, connecting the docking facility to the upland, occupying 6,588 square feet of sovereignty land.

LOCATION: Section 20, Township 12 South, Range 26 East, St. Johns River, Putnam County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$131.76 received as annual marina license fee covering 6,588 square feet of sovereignty land.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The landwardmost finger pier would be installed at the greater depths, outside the shallow vegetated bottoms. It is not expected that this project will have significant adverse effect on the aquatic biological resources provided unnecessary disturbance of submerged lands is avoided. Additionally, these grassy habitats should be sufficiently marked to prevent their disturbance during the normal course of marina activities.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL - This Department has completed its review of the proposed project as shown on the attached sketch and feels that it will not materially affect water quality in the subject area. Therefore, we are waiving the requirement for water quality certification. This waiver is subject to the condition that the work is done by utilizing the best practicable construction methods and siltation control devices in order to prevent water quality problems.

Staff recommends issuance of the construction permit and marina license at the annual license fee of \$131.76 and subject to Department of Natural Resources' stipulation that adjacent grassy aquatic habitats be sufficiently marked to prevent their disturbance.

June 4, 1974

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the staff recommendation with stipulation of the Department of Natural Resources that adjacent grassy areas be marked was approved as the action of the Trustees.

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DADE COUNTY - Request for Hearing before Examiner,
Application for Permit to Lay Utility
(or Electric) Cable, File No. 13-23-1876

APPLICANT: Florida Power and Light Corporation
Post Office Box 3100, Miami, Florida 33101

PETITIONERS: Tropical Audubon Society, Inc., The Coconut Grove
Civic Club, Bayshore Homeowners Association, Inc.,
Richard Altshuler, Mrs. P. B. Best, Janet A. Bliss,
James A. Britt, Walter B. Charm, John R. Edwards,
Mr. and Mrs. J. B. Esposito, Anne W. Gallmeier,
Dr. Myron L. Kenler, Robert S. Kistler, William "Red"
Teaton, Daniel C. McCarthy, Isabel and John Reitsma,
John H. Rosebraugh, Linda Rose, Mr. and Mrs. Thomas J.
Stokes, H. B. Taber and L. Matthews Werner

RESPONDENTS: Florida Power and Light Company and Sailboat Key, Inc.

LOCATION OF
PROJECT: City of Miami (Biscayne Bay), Dade County,
Section 14, Township 54 South, Range 41 East

REQUEST: Pursuant to Florida Statutes 253.123(2), (2)(b),
(3)(a) and (4), Chapter 120 and Chapter 18-5 of the
Administrative Code of the Internal Improvement Trust
Fund, the Board is requested to appoint a hearing
examiner and hold an administrative hearing in Miami,
before acting on the application for permit.

Petitioners oppose the granting of the application
(18-5.20(e)) on the grounds that the cable will
directly damage the area where it will be located
and have a permanent adverse biological and ecological
effect upon Biscayne Bay and riparian and upland
environment as alleged in the petition.

Staff requests authority to appoint a hearing examiner for the
purpose of holding an administrative hearing.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the Trustees authorized the appointment of a hearing examiner for the purpose of holding an administrative hearing.

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DUVAL COUNTY - Request for Hearing Examiner,
Dredge and Fill Application No. 16-39-0539

PETITIONER: Fulton Development Corporation, represented by
L. Peter Johnson, of Milam, Martin & Ade, Jacksonville

LOCATION OF
PROJECT: Near St. Johns River and Mill Cove in Jacksonville,
Duval County, in Section 32, Township 1 South,
Range 28 East.

REQUEST: Set an administrative hearing and appoint an
examiner pursuant to Chapter 120, Florida Statutes,
and Chapter 18-5, Administrative Code

Petitioner seeks a hearing to take evidence on
unresolved questions between it and various agencies
as to their objections to the modified application;
also, to have hearing set no later than 6/10/74 as
an essential witness for Petitioner will be out of
the country after that date until the end of the
summer.

Staff requests authority to appoint a hearing examiner for the purpose of holding an administrative hearing.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the Trustees authorized the staff to appoint a hearing examiner for the purpose of holding an administrative hearing.

Mr. Kuperberg stated that the petitioner had withdrawn his request to have the hearing set no later than June 10, 1974.

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MONROE COUNTY - Dredge and Construction Permit No. 44-39-2323
(January 7, 1974)

APPLICANT: Largo Bayside, Inc.
c/o Dr. J. Frederick Blitstein
1800 Coral Way
Miami, Florida 33145

PROJECT: To dredge 16,000 cubic yards of material for construction of an upland boat basin 340 feet long by 140 feet wide, an access channel, 60 feet long by 50 feet wide (bottom cut) to -4.0 feet mean low water; construct a T-pier 230 feet long by 10 feet wide, construct 1,060 feet of 10-foot wide wooden perimeter docking, construct boardwalks over percolation swales, install mooring pilings, and install sloping riprap around the interior of the boat basin and along the sides of the access channel.

LOCATION: Sections 5 and 6, Township 62 South, Range 39 East, Florida Bay, Key Largo, Monroe County, not in an aquatic preserve.

MATERIAL: 14,000 cubic yards of material to be dredged from the proposed upland boat basin and 2,000 cubic yards of material to be dredged from sovereignty lands.

PAYMENT: \$3,000 received in payment for 2,000 cubic yards as dredge material fee at the Monroe County rate of \$1.50 per cubic yard.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - GENERAL COMMENTS: As proposed, this project may create additional shallow water habitat by exposing much of the low mixed mangrove area to more regular flushing. Such flushing might establish conditions favorable for greater species diversity of infauna and create periodic feeding and protective habitat for small motile littoral organisms. The area would also afford feeding habitat for large wading birds at high tide and for smaller shore birds at low tide.

One problem that this project could create is related to the organic muck that covers the low area. This muck has a strong hydrogen sulfide odor indicative of anaerobic conditions. If this muck is not well stabilized prior to the opening of the access channel, a storm surge could wash large amounts of unconsolidated organic fines out over the offshore grass flats which would cause, in all probability, an intolerable BOD. Also, if the bottom of the boat basin and inland section of the access channel is composed of unconsolidated organic fines, boat traffic may maintain a constant suspension of these fines in the water column. (Some of the core samples taken and recorded as part of the application either do not coincide with field observations or have been misunderstood. More specifically, core sample No. 20 is located on the Borings Location Plan as being well into the muck area but is recorded as exclusively coral rock).

SPECIFIC COMMENTS: The excavation and construction of the riprapped, 5:1 side-sloped access channel as proposed on the application diagram (and in the response to Dr. Heald's report) should

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have limited direct adverse effects on marine biological resources. However, a channel extending to -4.5 feet mean low water would seriously disturb approximately 5,000 square feet of dense grass beds. (Water depth of 50 feet from shore is approximately 2.6-3.0 feet.) The proposed riprapped boat basin, boat ramp, board walks, pier, docks, pilings, and swales should not have direct adverse effects on marine biological resources because they would be constructed in an area that is currently only indirectly connected to the marine ecosystem.

This area has been impounded by the construction of a roadbed on the north perimeter; an impoundment of lesser scale exists on the south. This has effectively removed this tract from normal tidal influences. It is suggested that the legality of the large impounding roadbed be investigated with a view to re-incorporating the subject tract's wetlands into the large intertidal system to the north.

Bureau of Beaches and Shores - A hydrographic survey will not be required. Due to the shallow depth proposed for the marina, stratification is highly improbable. Rapid replenishment of the marina waters should not be expected; however, near stagnant areas will not form since the marina is relatively open for free circulation. Core borings of the site show the area to be underlaid with coral rock. If the entrance channel is to be excavated through such material, riprap would not be required for channel stability. In the areas where the channel is to be excavated through unconsolidated material, care should be taken to insure that an adequate filter bedding is provided for the riprap to prevent undermining and settlement.

Game and Fresh Water Fish Commission - In an effort to minimize the adverse effects of the proposed development, the applicant has agreed to the following stipulations: all red mangroves except those in the direct path of the access channel will be preserved; an existing land-locked saline lake will be opened to allow tidal flushing; mangroves that were destroyed landward of this lake will be replanted and the access channel will be terminated 60 feet from the mean high water line a point that is only 1½ feet deep at mean low tide.

Therefore, our agency offers no objection to this project provided the applicant complies with the stipulations set forth above, takes extreme care during all dredging operations to avoid siltation to the adjacent waters, and places all spoil material on the upland in a position where it will not be carried into the mangrove and ponded areas by rainfall.

DEPARTMENT OF POLLUTION CONTROL - The project will be issued a "Water Quality Certification" based upon compliance with the following conditions and stipulations: (1) All dredged organic material and peat shall be placed well upland; (2) Riprap shall be in areas of artificially created shoreline; (3) Channel reduction shall be in accordance with the biological consultant's findings; (4) The water quality shall be monitored to comply with standards for Class III Waters in Chapter 17-3, Florida Statutes. (5) Turbidity control devices shall be utilized during dredging and spoil operations.

Staff recommends issuance of the dredge and construction permit subject to the following stipulations: (1) That the access channel be terminated 60 feet waterward of the mean high water line; (2) All red mangroves except those in the direct path of the access channel will be preserved; (3) The existing land-locked saline lake will be opened to allow tidal flushing; (4) Mangroves destroyed landward of the saline lake will be replanted; (5) Water quality certification as issued by the Department of Pollution Control and (6) The access channel and boat basin be lined with clean sand obtained from an upland source.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the staff recommendations with the six stipulations set forth in the agenda were approved as the action of the Trustees.

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BAY COUNTY - Extension of Dredge Permit No. 253.123-729
(December 10, 1973)

APPLICANT: City of Mexico Beach
Mexico Beach, Florida 32410

PROJECT: To extend for 3 years Dredge Permit No.
263.123-729.

LOCATION: Section 22, Township 16 South, Range 12 East,
Mexico Beach Canal, Gulf of Mexico, Mexico
Beach, Bay County, not in an aquatic preserve.

MATERIAL: Not applicable

PAYMENT: Not applicable

STAFF REMARKS: This is a manmade pass privately constructed in 1957 without apparent state or federal authority. In 1971 the Trustees and the Corps of Engineers issued maintenance dredging permits to maintain the channel, which is subject to constant shoaling. The dredge permit was extended for 60 days on April 2, 1974 (item #21) awaiting current environmental agencies' comments.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - May 27, 1974: As long as the maintenance dredging is confined to the area of shoaling within the navigation right-of-way, this office would have no objection to the renewal of this permit.

Bureau of Beaches and Shores - January 28, 1974: Upon request from Town Officials, we will give consideration to reissuance of the required coastal construction permit for this operation. Such permit would authorize the placement of material on sovereignty lands.

Game and Fresh Water Fish Commission - February 5, 1974: Offers no objection to its issuance.

DEPARTMENT OF POLLUTION CONTROL - March 27, 1974: The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same. While the Department has not objected to this maintenance dredge project, the Town of Mexico Beach must understand that should the waters of the subject canal become polluted by upland storm runoff or drainage, by sewage wastes or by the concentration of any other deleterious materials the Department of Pollution Control may be required to take enforcement action. If the Town intends to keep this artificial waterway open to the Gulf of Mexico, then Mexico Beach must take the responsibility to see that the waters of the canal are not degraded by attempting to regulate potential sources or problems in the surrounding area.

Staff recommends the dredge permit be extended for a period of three years subject to the following stipulations: (1) That maintenance dredging is confined to the area of shoaling within the navigation right-of-way for the inlet connection of the existing canal system; (2) That the Town of Mexico Beach enter into an agreement with the State of Florida Department of Pollution Control to establish a monitoring program to see that the waters of the canal are not degraded and by attempting to regulate potential pollution sources or problems in the surrounding area; (3) That extension of this maintenance dredging permit in no way obligates the State of Florida to maintain the artificial waterway connection to the Gulf of Mexico or correct beach erosion problems attributed to the artificial inlet.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the staff recommendation and stipulations as set forth in the agenda were approved as the action of the Board.

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DADE COUNTY - Federal Surplus Land

APPLICANT: Florida Department of Highway Safety and Motor Vehicles.

REQUEST: Adoption of a resolution for submission to the U. S. Secretary of Health, Education and Welfare in support of the application by the Department of Highway Safety and Motor Vehicles to acquire 38.85 acres of surplus federal land.

LOCATION: 38.85 acres on Lejune Road near NW 135th Street in Section 29, Township 52 South, Range 41 East, Dade County, formerly the U.S. Coast Guard Remote Receiver Site at Opa Loca, Florida.

This property is surplus to the federal government and available to the state for educational and public health purposes. The Department of Highway Safety and Motor Vehicles has determined the property is ideally suited for utilization for a new Driver License Office, Driver Testing Range and Florida Highway Patrol Station.

Application by the Department must be submitted to the U.S. and accompanied by a resolution executed by the Board of Trustees, as the appropriate agency of the state to hold title to the land, designating Mr. Ralph Davis, Executive Director, Department of Highway Safety and Motor Vehicles, to act on behalf of the Board of Trustees in doing all acts and things necessary to secure the transfer of this property to the state.

Funds of the Trustees will not be involved in this transfer.

Staff recommends execution of the resolution.

ACTION OF THE TRUSTEES:

On motion by Mr. Dickinson, seconded by Mr. Turlington and passed unanimously, the Board of Trustees approved execution of the resolution requested by Florida Department of Highway Safety and Motor Vehicles for submission to the United States Secretary of Health, Education and Welfare.

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BAY COUNTY - Application for Lease
(March 12, 1974)

APPLICANT: Paul W. Jennings
5128 West Highway 98
Panama City, Florida 32401

PROJECT: To lease for 5 years, with option to renew subject to reevaluation, for an additional 5 years, a parcel of filled sovereignty land for a parking and recreational area and for egress and ingress to a proposed docking facility to be located on adjacent state-owned sub-merged lands.

LOCATION: Approximately 0.38 acre in Section 34, Township 3 South, Range 15 West on the Northeast side of St. Andrews Bay near the Hathaway Bridge, Bay County, not in an aquatic preserve.

PAYMENT: Annual rental of \$2,400 payable in advance, recommended by Trustees' staff appraiser on March 4, 1974, is acceptable to the applicant.

STAFF REMARKS: This lease is required in connection with a request for a marina license for the construction of a dock and dolphins to moor a 200-foot by 65-foot flagship. (Reference pending Permit 03-39-2318E).

On April 16, 1974, the Board of Trustees authorized advertising for objections. Notice was published in the Panama City News

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Herald on May 7, 14, and 21, 1974. Objection was received from Mr. Johnny Patronis and Mr. Jimmy Patronis, adjacent property owners to the proposed lease area.

The Board of County Commissioners of Bay County and the City of Panama City Beach support this project. Also, letters endorsing the project were received from citizens and business firms in Bay County.

Staff recommends denial of the lease based upon objections of adjoining land owner, potential traffic problems at this site, and the urgent need for deep water mooring sites to serve national programs.

ACTION OF THE TRUSTEES:

Mr. Kuperberg explained the staff opposed leasing the land for this purpose based on public interest, potential traffic situation as cited in a memorandum received this morning from the Department of Transportation, and need for mooring sites for national programs of oil exploration.

Mr. Jennings denied it was a traffic hazard and referred to approval by the Department of Transportation district official. He pointed out that the ship would be permanently moored, was in good condition and a refurbished, authentic Mississippi riverboat museum was preferable to oil barges in Panama City as evidenced by local support and publicity for the project that would be completed by the 1976 bicentennial.

Mr. Shevin made a motion to grant the application for lease. Mr. Dickinson seconded the motion.

Mr. Jennings agreed for the lease details to be worked out to include the suggestions by the Attorney General as to safe, secure anchorage, parking, sign limitation. In response to Mr. Conner's questions, he said the bond was not required because it had not been necessary to use temporary pilings and assured the Board that in the event a storm disabled the ship, it would be the responsibility of the Corps of Engineers to remove it at his expense and not the State of Florida.

Adjacent property owner, Mr. John Patronis, objected to a potential hazard because of the vessel's size, traffic problems and insufficient available parking space.

Mr. Philip S. Bennett, Department of Transportation counselor, spoke of questions of title to riparian ownerships, utilization of public property for a private purpose, and the official position of the Department of Transportation against location of a vessel of this size in the proximity of Hathaway Bridge.

Mr. Conner moved to amend the original motion by limiting the lease to one year with option to renew at the Board's discretion and in case of an emergency that might cause damage to public or state property, that a 30-day notice be given to vacate the property.

Mr. Shevin accepted the amendment that would convert the requested lease to a year-to-year basis, convertible at the option of the Board to a lease.

Mr. Conner's amendment motion, seconded by Mr. Dickinson, was adopted on a vote of four to one, with Mr. Turlington voting "No".

The original motion as amended passed four to one, with Mr. Turlington voting "No", to authorize issuance of a license limited to one year with option to renew at the Board's discretion and subject to 30-day cancellation in the event of an emergency that might cause damage to public or state property.

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APPLICANT: John E. Nast, Samoan Villas, Inc.
Post Office Box 516, Inglis, Florida 32649

PROJECT: To dredge 120 cubic yards of material so as to remove an existing earthen plug, 35 feet by 25 feet, to connect an existing boat basin to the Withlacoochee River, with spoil to be deposited on the uplands.

LOCATION: Section 4, Township 17 South, Range 16 East, Withlacoochee River, Citrus County, not in an aquatic preserve.

MATERIAL: 120 cubic yards of material to be dredged from state-owned submerged lands.

PAYMENT: \$60 received as payment for material dredged from state-owned lands.

STAFF REMARKS: Field Operations Division recommends denial of the application.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Waters in the boat basin are rapidly becoming choked with Elodea and algae, probably due to an excess of bottom nutrients released during dredging operations. Dredging nearby bottoms in the river, at the mouth of the basin, would eliminate existing bottom vegetation and would release additional nutrients. Bass, bream, and many other small fish were observed frequenting the sandy and vegetated bottoms in the proposed dredge area. To best protect aquatic and marine biological resources, the interior basin should not be connected to the river. Efforts should be made to restore the wetland already disturbed by dredge and fill work. The implications of this project upon long-term water quality is a matter best addressed by the Department of Pollution Control. Bureau of Beaches and Shores - A hydrographic survey will not be required. The information provided with this application is somewhat sparse. Water elevations and the depths of the existing dredged area are not given. However, if the marina depths were kept less than -6 feet mean low water, stratification would be improbable and, due to the relatively small size of the marina and the presence of the flow pipe, severe stagnation would not be expected.

Game and Fresh Water Fish Commission - Connecting a small, upland basin to the river should have a minimal impact on the fish and wildlife resources of the area. The amount of dredging required in the river is small and fish habitat losses will be negligible. We can not, however, approve of excavations within the river floodplain. Although the existing basin encroaches on only a small area of the floodplain, repeated small scale losses of this nature would have significant effects on the long range health of the Withlacoochee River. We recommend that the floodplain portion of the basin be restored to approximately its original contour and that the marina be extended west or south into the upland area if additional space is required. We also recommend that all spoil from this possible relocation and from the plug removal be placed on a clearly upland site south of the basin rather than the proposed site adjacent to the river.

DEPARTMENT OF POLLUTION CONTROL - Your request for certification in accordance with Section 401 (a) (1), Public Law 92-500, Federal Water Pollution Control Act (1972 Amendments) has been reviewed by this Department. Based on this review, it has been determined that the project as proposed and revised will have definite long-term adverse effects on water quality of the Class III waters of the Withlacoochee River and will be contrary to policy of the Board of the Department of Pollution Control.

River bottom wetlands were damaged and destroyed by dredge and fill activities during the construction of the existing basin. Allowing the dredged basin to be permanently connected to the river would only compound the water quality problems associated with this project. Wetlands, in their natural state, provide effective buffer areas that filter runoff from uplands and entrap silt, sediment and nutrients. The nutrients entrapped are transformed into food matter suitable for the propagation of fish and wildlife.

The elimination of the wetlands vegetation has not only reduced the capacity of the river to filter itself and the runoff it receives, but the basin would result in the artificial extension of the shoreline that can receive direct runoff.

Past evidence reveals that basins or marinas of the type proposed can result in degradation of water quality through introduction of sufficient quantities of fertilizers, pesticides, oils, greases, organic debris, coliform bacteria and other toxic and deleterious substances by either surface runoff or human actions.

Since the staff of the Department of Pollution Control believes that water quality degradation would occur as a result of the project, we have no alternative but to recommend that your request for certification in accordance with Public Law 92-500, be denied. You have the right to appeal this denial of certification. The procedures for appeal and the request for a formal evidential hearing are set forth in Chapter 17-1, Florida Administrative Code.

Certification could be issued provided your project was redesigned to reflect the following changes: (1) The basin should be filled and attempts should be made to restore the natural topography and wetland vegetation in the area; (2) Surface drainage or runoff from upland property should be diverted away from the river; (3) Riprap and/or planted vegetation should be used in an effort to stabilize areas along and near the river where natural vegetation was cleared; (4) Once the previous measures are taken, a dock could be constructed across the wetlands and along the river to provide boating access to the upland property.

Staff recommends that, based upon the adverse comments of the Department of Natural Resources, the Game and Fresh Water Fish Commission and the Department of Pollution Control, the dredge permit be denied.

ACTION OF THE TRUSTEES:

Mr. Shevin made a motion, seconded by Mr. Conner, to accept the staff recommendation for denial of the dredge permit. The motion passed without objection.

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MONROE COUNTY - Revised Dredge and Construction Permit
No. 44-39-0370 (Phase II)
(Revised March 5, 1974)

APPLICANT: Ocean Reef Club
c/o William J. Roberts, P.A.
Post Office Box 1386
Tallahassee, Florida 32302

PROJECT: To dredge an upland boat basin 250 feet long by 75 to 225 feet wide, and to widen an existing mosquito control ditch to 50 feet wide, to -5 to -7 feet mean low water, with the spoil to be deposited on adjacent uplands; to construct vertical concrete seawall with riprap placed at the toe of the seawall on the East side of the proposed boat basin.

LOCATION: Section 6, Township 59 South, Range 41 East, Card Sound Subdivision, Monroe County, not in an aquatic preserve.

MATERIAL: 49,500 cubic yards of material to be dredged and deposited on adjacent uplands.

PAYMENT: Not applicable. State-owned submerged lands not involved.

STAFF REMARKS: The Board of Trustees approved a dredge and fill permit for the original project on May 15, 1973 (item #26).

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ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The current Phase II revision is less detrimental to marine biological resources than the Phase II revision granted a State permit on May 17, 1973. There would be significantly less dredging and filling in mixed mangrove areas, an old drainage canal would be modified to serve as an access channel, and much less natural shoreline would be disturbed. An asphalt road would be constructed along the waterward side of the work area and would be sloped to collect most of the storm water runoff on the upland side of the road. Taking into account the acreage of natural wetlands to be left intact, these revisions should have limited adverse effects on marine biological resources provided siltation is adequately controlled during construction and the systems receive sufficient flushing to insure that water quality is maintained on a long-term basis.

Bureau of Beaches and Shores - A hydrographic survey will not be required. In the initial response to this project and during an on-site inspection, the problems associated with excavating the artificial waterway were discussed at length. As a result, it was agreed by the applicant's agent that those waterways excavated in muck would be overlain with a 2-foot layer of clean sand or marl to provide stability to the channels and minimize the winnowing out of organic fines. Provisions to take such action are not included in the revised plans. It is improbable that Phase II of this project would have significantly adverse hydrographic effects provided that the artificial waterway is stabilized.

Game and Fresh Water Fish Commission - We have no objections to the modification of these two TITF permits as shown on the revised drawings sent to us on March 11, 1974.

DEPARTMENT OF POLLUTION CONTROL - The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same. The applicant is hereby required to notify the Department of Pollution Control's Regional Office of the schedule of the project before beginning any work covered by this certification. All testing data shall be submitted to the Department of Pollution Control's Regional Office.

Staff recommends revision of the Phase II portion of existing trustees permit No. 44-39-0370 to conform to the plans submitted March 5, 1974, with the stipulations that: (1) Department of Pollution Control certification requirements be met as specified in Department of Pollution Control order of December 15, 1973, and (2) That any portion of the waterway excavated in muck be overlaid with two feet of clean sand or marl.

ACTION OF THE TRUSTEES:

The Executive Director advised the Board that the project had been revised to meet federal and state objections. Mr. Shevin added that he understood that additional requirements imposed on Ocean Reef by the federal government were accepted by the Trustees' staff.

On motion by Mr. Dickinson, seconded by Mr. Shevin and passed unanimously, the staff recommendations were approved as the action of the Board.

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BROWARD COUNTY - Construction Permit No. 06-39-2480
(February 7, 1974)

APPLICANT: City of Hollywood
Post Office Box 2207
Hollywood, Florida 33022

PROJECT: To construct 175 feet of vertical seawall at North Lake and 62 feet of vertical seawall at South Lake and backfill behind the seawalls.

LOCATION: Section 14, Township 51 South, Range 52 East, North Lake and South Lake, Hollywood, Broward County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: City requests waiver of processing fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - May 29, 1974: Comments were received from D.N.R. Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections to its issuance.

DEPARTMENT OF POLLUTION CONTROL-- This Department has completed its review of the proposed project as shown on the attached sketch and feels that it will not materially affect water quality in the subject area. Therefore, we are waiving the requirement for water quality certification. This waiver is subject to the condition that the work is done by utilizing the best practicable construction methods and siltation control devices in order to prevent water quality problems.

Staff recommends issuance of the construction permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Turlington, seconded by Mr. Conner and passed without objection, the Trustees authorized issuance of the construction permit.

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ESTERO BAY. MEAN HIGH WATER LINE SURVEY OF WINDSOR TRACT.

Authority is requested to negotiate a contract with E. R. Brownell and Associates, Inc., Engineers and Land Surveyors with principal offices in Dade County, Florida, pursuant to a proposal submitted by Mr. E. R. Brownell as President of the firm, copy of which is attached hereto. The Executive Director certifies that there is insufficient time for compliance with Section 287.055, Florida Statutes (Chapter 73-19, Laws of Florida), the Consultants Competitive Negotiations Act, for the reason that (1) the survey must be commenced as early in June as possible so as to be complete prior to December 31, 1974; (2) otherwise qualified surveying firms in the area cannot be considered because of prior representation of the Windsors which would eliminate consideration of their services because of possible conflicts of interest.

It is the opinion of the Executive Director that Mr. E. R. Brownell, current president of the State Association of Engineers and Surveyors, would rate extremely high on the basis of any standards which may be approved by the Trustees pursuant to the 1973 law. Time is of the essence because Mr. Robert Troutman is committed to the payment of one-half the cost of the necessary survey, and his option with the Windsor interests must be taken up prior to December 31, 1974. He has taken the position that if the information necessary to carry out his commitments to the state is not complete prior to the expiration of his option, it is his intention to drop all further efforts in connection with the revised project.

For the foregoing reasons the Executive Director certifies to the Board that there is a valid public emergency justifying the recommended departure from the strict provisions of the Consultants Competitive Negotiations Act, as authorized by Paragraph 287.055 (3) (a), Florida Statutes.

Staff recommends that the Board of Trustees certify for the record that a valid public emergency exists with respect to the survey of the mean high water line of that portion of Estero Bay abutting the Windsor Tract and that staff be authorized to negotiate a contract with E. R. Brownell and Associates, Inc., of 3152 Coral Way, Miami, Florida, substantially as proposed, upon condition that one-half the cost of the survey be paid by Mr. Robert Troutman.

ACTION OF THE TRUSTEES:

Mr. Shevin understood there were some persons in the Lee County area who objected to this matter being treated as an emergency addendum and would like to be heard. Mr. Kuperberg responded that he was not aware of any objections. He thought a mean high water line survey was needed as soon as possible and there was statutory authority as a valid public emergency to proceed as recommended.

Mr. Stone thought the procedure should follow the letter of the law through the Consultants Competitive Negotiations Act, in which case he completely supported the mean high water line survey. The Executive Director advised that there was an emergency provision in the statute and that it was followed.

Based on the members' comments, there was no motion to waive the rules to consider this matter, and no action was taken.

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CHARLOTTE COUNTY - Dredge and Construction Permit No. 08-20-1480
(Revised, March 8, 1974)

This is being placed on the agenda at the request of the office of the Governor.

APPLICANT: Charlotte Harbor Yacht Club, Inc.
835 Edgewater Drive
Port Charlotte, Florida 33952

PROJECT: To dredge 11,390 cubic yards of material from a proposed upland boat basin, 200 to 290 feet long by 110 feet wide, an access channel, 475 feet long by 50 feet wide, to -5 feet mean low water, with the spoil to be deposited on the upland and construct 637 feet of vertical concrete seawall.

LOCATION: Section 26, Township 40 South, Range 22 East, Peace River, Charlotte County, not in an aquatic preserve.

MATERIAL: 11,390 cubic yards of material (3,890 to be dredged from sovereignty land) to be dredged and deposited on the uplands.

PAYMENT: \$3,890 received as payment for 3,890 cubic yards of material to be dredged from sovereignty land.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Although the proposed channel dredging should have only limited adverse effects on estuarine biological resources, the cumulative adverse effect of such projects is significant. Also, the proposed channel can be expected to increase wave action and scouring of adjoining shallow bottoms, and periodic maintenance dredging may be required. Other adverse aspects of the project include the elimination of intertidal bottoms by the proposed dredging and although no filling is indicated on the application, possibly the applicant plans to rebuild the old seawall and backfill intertidal bottoms landward of the seawall. . .

To have minimal impact on estuarine biological resources, the proposed basin should be located adjacent to an existing canal or channel such as the existing canal and channel 300 feet west of the applicant's property. . .

If seawall construction along the Peace River is approved, we suggest that riprap be placed on the waterward side to provide habitat and reduce scouring of adjoining bottoms.
Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - The alignment of the proposed access channel would not traverse the existing Diplanthera beds and would cause only minimal adverse effects to the marine environment. Likewise, the proposed marina should not significantly affect the fish and wildlife resources of the project vicinity provided certain stipulations are complied with that would facilitate a more efficient flushing of the basin and provide for a continuing viable marine community. The shoreline and shallow inshore areas of the project site have a high potential for increased biological productivity and habitat enhancement due to red mangrove establishment. Therefore, in an attempt to conserve and augment the fish and wildlife resources of the Peace River, our agency recommends that this permit be issued with the following stipulations:

1. On the west side of the proposed basin a new shoreline bulkhead should be constructed above the existing mean high water line. All mangrove trees and seedlings behind the old bulkhead should be preserved. This will allow the re-establishment of the red mangrove shoreline on the waterward side of the new seawall. These mangroves would not impede the boat traffic in and out of the marina nor conflict in any way with the marina facility.
2. The existing bulkhead located south and directly in front of the proposed marina should be removed to facilitate better tidal flushing within the basin.
3. A turbidity plug should remain in the mouth of the boat basin until all marina construction is completed and the turbidity has settled.
4. The spoil dikes should be placed a sufficient distance above the mean high water line to protect existing mangrove seedlings.

DEPARTMENT OF POLLUTION CONTROL - The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same.

Stipulations: (1) No storm water is to be discharged into the basin or river as a result of this proposed development; (2) Spoil area is to be appropriately diked to guard against problems caused by runoff; (3) Boat basin shall be dug in the dry, that is, prior to its being opened to the river to reduce turbidity problems.

OTHERS: Five letters received objecting to the above project.

Staff recommends issuance of the dredge and construction permit subject to the following stipulations: (1) Water quality certification as issued by the Department of Pollution Control; (2) Game and Fresh Water Fish Commission stipulations number 1, 3 and 4. (3) The tidal creek and wetlands area within the property boundaries, northeast corner, are to be preserved in the natural state.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Dickinson and passed without objection, the rules were waived for consideration of this application placed as an addendum on the agenda at the request of the Governor's office for Senator Warren Henderson.

Motion was made by Mr. Shevin, seconded by Mr. Dickinson and adopted without objection, to approve issuance of the dredge and construction permit subject to the three stipulations shown in the staff recommendation.

Mr. Turlington questioned the reason for handling this as an addendum and Mr. Conner also felt that it might have been handled on the next agenda. The Director stated that he knew of no objections to the application, that the staff had placed it on the agenda at the request of the office of the Governor.

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MONROE COUNTY - In the Matter of Clarence H. Gifford, Jr., and Others Similarly Situated, Complainants,
vs. Ocean Reef Club, Inc., Defendant

June 4, 1974

At the previous board meeting on May 21, 1974, the administrative hearing on this matter was concluded and it was agreed that both parties would defer their final arguments until this board meeting. By agreement the parties will limit their arguments to 20 minutes each.

ACTION OF THE TRUSTEES:

As Governor Askew was unable to stay for all of this long meeting, Secretary of State Stone took the chair to hear this matter.

Recalling the presentation to the Board on May 21, Mr. M. Stephen Turner, attorney for Clarence H. Gifford, Jr., and other complainants, reviewed maps and other evidence which he said does not confirm that the bulkhead line is at the line of mean high water and showed by more than reasonable grounds that the survey is incorrect, that the area is state sovereignty land - tidal land with intertidal openings and below mean high water. He urged the Board to consider carefully this entire matter and a report by someone in a neutral position who could sum up the findings of fact based on the evidence in the record.

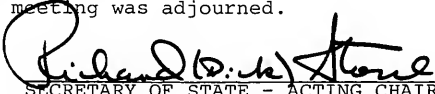
Mr. William J. Roberts, representing Ocean Reef Club, emphasized the necessity to determine what the land was historically, that his client's evidence proved the land was not sovereignty submerged land when conveyed by the Trustees in a swamp and overflow deed to predecessors in title, that the State of Florida has no claim to the property for which the Board in May 1973 approved Ocean Reef Club master plan and the first bulkhead line in Monroe County under Chapter 253. Mr. Roberts said his client's consultants had carefully considered for over two years what areas of Snapper Point should be developed and there was no question of ownership, the bulkhead line was pulled back for ecological and not tidal reasons and some 700 acres was committed under the State Wilderness Act.

Mr. Dickinson had left the meeting and Mr. Stone said it had been suggested that the evidence and closing arguments be transcribed so that all members would have the opportunity to study and vote.

Mr. Shevin discussed the procedure that might be followed, noting that only about four members heard all the testimony at the previous meeting. He expressed concern about several points, one being that a land owner whose house might have been built on state land was objecting on the basis of view, and noted that the Executive Director's firm position was that it was not sovereignty land. Mr. Shevin recognized the Board's trust responsibility but thought they should not assert ownership without strong evidence that it is sovereignty land, and every member would judge on the law and the facts.

Mr. Stone ruled that the orderly way to proceed would be for the testimony and arguments to be transcribed, presented in writing to each member to read and study, and then this matter should be placed on the agenda as an agendaed item for decision. He assured Mr. Turner that the exhibits would be available to each cabinet member at his request.

On motion duly adopted, the meeting was adjourned.


SECRETARY OF STATE - ACTING CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

Tallahassee, Florida
June 18, 1974

The Board of Trustees of the Internal Improvement Trust Fund met on this date in the auditorium of the Haydon Burns Building with the following members present:

Reubin O'D. Askew	Governor
Richard (Dick) Stone	Secretary of State
Robert L. Shevin	Attorney General
Fred O. Dickinson, Jr.	Comptroller (Present Part Time)
Thomas D. O'Malley	Treasurer
Ralph D. Turlington	Commissioner of Education
Dolye Conner	Commissioner of Agriculture

Joel Kuperberg

Executive Director

TRUSTEES OFFICE - Executive Director

Upon Mr. Dickinson's motion that the rules be waived and at his request for a delay of two weeks, concurred in by Mr. O'Malley, in appointment of a new executive director, Governor Askew said it had been his intention to announce his appointment of Mr. Jay Landers as executive director to become effective upon Mr. Joel Kuperberg's resignation, July 16, 1974, and he had no objection to the deferral requested.

Attorney General Shevin explained that the statutes provided for an appointment to be made by the Governor with the concurrence of three other cabinet members and he would give his concurrence at this time. Mr. Stone added his concurrence but agreed to a deferment until the next meeting as requested. Mr. Turlington also indicated support of the appointment.

Without objection, consideration of the appointment of a new executive director was deferred until the next cabinet meeting.

Mr. Shevin presented a resolution recognizing Mr. Kuperberg's resignation and expressing appreciation for his service on behalf of the Board and the State of Florida. Mr. Dickinson seconded the resolution that passed with five affirmative votes expressed and Mr. O'Malley abstaining. The resolution is copied at the end and made a part of these official minutes.

The Governor highly commended Mr. Kuperberg for serving as executive director during a period of changing times in which Mr. Kuperberg had helped the Board to improve standards in the best interest of the people of Florida and the protection of this beautiful state.

Mr. Dickinson said he understood the appointment of Mr. Jay Landers has been made, in which he would concur, and that he must now leave the meeting.

-19-

PINELLAS COUNTY - Land Donation Resolution

On April 2, 1974 the Board of Trustees accepted the donation of a five-acre tract in Pinellas County from Mr. George A. Hunt, Jr., on behalf of George A. Hunt, Inc., for use by the Division of Corrections as a correctional center at Tarpon Springs.

A resolution has been prepared expressing to Mr. Hunt the appreciation of the Board of Trustees for this generous donation to the state.

Mr. George A. Hunt, Jr. is expected to be present.

June 18, 1974

ACTION OF THE TRUSTEES:

With reference to item 19, considered out of numbered agenda order, Secretary of State Stone spoke of the difficulties frequently encountered in selection by the Florida Division of Corrections of sites of community correction centers for approval by the Cabinet. In one such difficult situation a public spirited citizen had offered five acres, for which Mr. Stone moved the adoption of a resolution expressing the Board's appreciation. Mr. Shevin seconded the motion that passed unanimously.

Governor Askew, on behalf of himself and members of the Cabinet, said not only was the gift of land appreciated but also the attitude of cooperation by Mr. George A. Hunt, Jr., who was present and accepted the resolution executed by the Cabinet.

A copy of the resolution is attached and made a part of these official minutes.

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Action on approval of the minutes of May 21, 1974, was deferred.

-2A-

MARTIN COUNTY - Right of Way Easement, File No. 2572-43-253.03
(May 16, 1974)

APPLICANT: Board of County Commissioners
of Martin County, Florida
by Karl A. Kandell Associates, Inc.
399 Cypress Drive
Tequesta, Florida 33458

PROJECT: Highway and bridge construction for County Line
Road across the North Fork of the Loxahatchee River.
No dredging or filling on submerged land is required.

LOCATION: A 0.20-acre parcel of sovereignty land in the North
Fork of the Loxahatchee River abutting Section 23,
Township 40 South, Range 42 East, Martin County,
in Aquatic Preserve A-11.

PAYMENT: None

STAFF REMARKS: The Board of County Commissioners of Martin County
by Resolution No. 74-3.20 adopted April 24, 1974,
requested that the easement be granted.

Application No. 43-37-2045, for bridge construction
by Karl A. Kandell Associates, Inc., follows.

ECOLOGICAL RESPONSES: See Item 2B

OTHERS: (1) Mr. Don Helms has advised that written comment from
the Loxahatchee River Environmental Control District will be
available prior to June 18, 1974. (2) The Bureau of Operations
Division of Recreation and Parks, Department of Natural Resources,
by letter March 18, 1974, offered no objection to the project.

Staff requests authority to issue the right of way easement.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Turlington and passed
unanimously, the Trustees authorized issuance of the right-of-
way easement requested by the Board of County Commissioners
of Martin County.

-2B-

MARTIN COUNTY - Construction Permit No. 43-37-2045
(April 30, 1974)

APPLICANT: Karl A. Kandell Associates, Inc.
c/o Lindahl-O'Brien, Inc.
Post Office Box 727, Jupiter, Florida 33458

June 18, 1974

PROJECT: To construct a concrete bridge 150 feet long by 35 feet wide across the Loxahatchee River, to replace an existing wooden bridge.

LOCATION: Sections 23 & 24, Township 40 South, Range 42 East, Loxahatchee River, Martin County, in Aquatic Preserve A-11.

MATERIAL: No dredging involved in the project.

PAYMENT: \$50 received as construction permit processing fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Although the bridge construction will only have limited short-term effects, the discharge of runoff if not contained on uplands to remove macro-debris and dissolved contaminants can be expected to have long-term adverse effects on the river water quality. To best conserve aquatic resources, upland runoff should be retained, mangroves flanking the existing bridge should not be cleared, and land below mean high water should not be filled. Sloping loose riprap boulders should be used to provide habitat for aquatic life and aid in a shoreline stabilization.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - offers no objections to the issuance of this permit.

DEPARTMENT OF POLLUTION CONTROL - The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same. This certification is subject to the stipulation that (1) storm water is directed away from the river and contained on the uplands, (2) old bridge and pilings are removed and mangrove re-established along denuded sections in construction area.

The applicant is hereby required to notify the Department of Pollution Control's Regional Office of the schedule of the project before beginning any work covered by this certification. All testing data shall be submitted to the Department of Pollution Control's Regional Office.

Staff recommends issuance of a construction permit subject to the following stipulations: (1) Water quality certification as issued and stipulated by the Department of Pollution Control; (2) That mangroves flanking the existing bridge should not be cleared; (3) Land below the mean high water should not be filled; (4) That the project be without objections from the Loxahatchee Environmental Control District.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Turlington and passed unanimously, the Trustees authorized issuance of a construction permit subject to the four stipulations recommended by the staff.

-3-

LAKE COUNTY - Electrical Distribution Easement

APPLICANT: Florida Power Corporation
St. Petersburg, Florida

REQUEST: Easement over, across and under land in use by the Department of Health and Rehabilitative Services as the Lake Correctional Institution to provide electrical service to facilities located on the state land.

LOCATION: NE¼ of NW¼ of Section 36, Township 21 South, Range 25 East, Lake County.

The Department of Health and Rehabilitative Services has reviewed this request and recommends granting the easement to provide electric service to this new institution.

Staff recommends issuance of an easement to Florida Power Corporation for electric distribution line purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Turlington and passed unanimously, the Trustees approved issuance of an electric distribution line easement to Florida Power Corporation.

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SANTA ROSA COUNTY - Road Right-of-Way Easement

APPLICANT: Horace H. Simmons
Route 1, Box 266, Jay, Florida 32565

REQUEST: Road right-of-way easement across a portion of the Blackwater River State Forest to gain access from private property to a public road.

LOCATION: A twenty-foot wide right-of-way 1,248 feet in length in the NW¼ of SW¼ of Section 36. Township 6 North, Range 27 West, Santa Rosa County.

This request has been approved by the Department of Agriculture and Consumer Services.

Staff recommends issuance of the easement to Horace H. Simmons for road purposes only.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Turlington and passed unanimously, the Trustees approved the road right-of-way easement requested by Mr. Simmons.

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Mr. Tom Morrill of Tallahassee, who on previous occasions had urged protection of the Wakulla River in its natural state and objected to activities of Mr. Edward Ball's company at the headwaters of the river, had asked for an opportunity to make a statement. He expressed the opinion that had the state and its officers upheld the environmental statutes he thought the court decision would have, also; and he pointed out that almost three years ago he and Jack Rudloe had complained to the Cabinet of the activities of this firm that has no environmental staff. Mr. Morrill disagreed with the court decision that the river is not navigable, stating that it has been travelled for decades. He asked the Board to file an amended suit in federal court for removal of the illegal, destructive encroachments and the restoration of this most beautiful Florida river.

The Attorney General responded that the Trustees have been involved in this lawsuit since the beginning, that the decision went against the state and he did not think any criticism of the Governor and the Cabinet was justified.

Mr. Kenneth Oertel, Trustees' counsel, advised that last week he filed a petition for rehearing in District Court that would be acted on within 15 days.

-6-

COLLIER COUNTY - Marina License and Construction Permit
No. 11-30-2081
(Revised December 7, 1973)

APPLICANT: Harbour Cove Developers
c/o Raymond R. Link
Post Office Box 1468, Naples, Florida 33940

PROJECT: To construct seven wooden docks 20 feet long by 4 feet wide, and install 15 mooring pilings occupying 4,229 square feet of sovereignty land.

LOCATION: Section 21, Township 49 South, Range 5 East, Moorings Bay, Naples, Collier County, not in an aquatic preserve.

MATERIAL: No dredging involved in the project.

PAYMENT: \$100 received as the minimum annual marina license fee covering 4,229 square feet of sovereignty land to be occupied by this facility.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Installation of the finger piers and mooring piles should not have significant direct adverse effects on marine biological resources. Secondary adverse effects may result from reduction of light available to photosynthetic processes upon which benthic communities depend.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections.

DEPARTMENT OF POLLUTION CONTROL - The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same.

Staff recommends issuance of the marina license and construction permit at the minimum annual fee of \$100.

ACTION OF THE TRUSTEES:

On motion by Mr. Turlington, seconded by Mr. Conner and passed unanimously, the Trustees approved issuance of the marina license and construction permit to Harbour Cove Developers.

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DADE COUNTY - Marina License and Construction Permit
No. 13-39-1462
(Revised May 28, 1974)

APPLICANT: City of Miami Beach
c/o Greenleaf/Telesca Engineers
1451 Brickell Avenue
Miami, Florida 33131

PROJECT: To construct 12 finger piers 300 feet long by 8 feet wide, a fuel dock 340 feet long, a concrete dock 330 feet long by 10 feet wide, a bridge 450 feet long by 24 feet wide, occupying 1,642,970 square feet of sovereignty land.

LOCATION: Section 3, Township 54 South, Range 42 East, Biscayne Bay, City of Miami Beach, Dade County, not in an aquatic preserve.

MATERIAL: No dredging or filling involved in the revised project.

PAYMENT: \$50 received as construction permit fee. The applicant requests waiver of annual fee of \$32,859.40 covering 1,642,970 square feet of sovereignty land to be occupied by the marina facility.

STAFF REMARKS: This item was placed on the May 21st agenda and deferred at the request of the applicant. The installation of 3,700 feet of breakwater to encompass the proposed facility has been completely eliminated under the revised project.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The deletion of the breakwater structures from this proposed project removes one of the major objections of this office and to that extent has made this revised application more acceptable. It must be stipulated, however, that any future designs for these

structures should have the benefit of review by our coastal engineer.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections.

DEPARTMENT OF POLLUTION CONTROL - The above-referenced project, as revised to delete the breakwater, will be certified subject to the following stipulations: (1) A favorable biological report is received from the Department of Natural Resources; (2) Adequate turbidity control measures or devices shall be provided or spoiling will be done on the out-going tide; (3) Water quality shall be maintained as Class III in accordance with FAC Chapter 17-3. Water Quality Certification will be issued upon compliance with the above stipulations and notification of favorable action by the Trustees.

OTHERS: The City Council of the City of Miami Beach at its meeting on May 1, 1974, approved Resolution Number 74-14360 for construction permit.

Staff recommendation issuance of the construction permit and marina license with the following stipulations: (1) The entire breakwater structure be eliminated from the project and any future designs for breakwater structures must have the benefit of review by the Department of Natural Resources' coastal engineer; (2) The annual marina license fee of \$32,859.40 be waived with the requirement that the marina facilities be available for use by all local and state citizens on a first priority use basis; (3) Water quality certification as issued by the Department of Pollution Control.

ACTION OF THE TRUSTEES:

Mr. Shevin and Mr. Stone commented on this project's complying with the Development of Regional Impact review requirements under Chapter 380, Florida Statutes, and were assured by Mr. Frank Spence, City Manager of Miami Beach, and Mr. Leonard Weinstein that the city does intend to comply. Also, in response to Mr. Shevin's reference to the new Biscayne Area Planning Board requirements for public notice, Mr. Wilbur Braydon stated that the city has conducted three public hearings that would satisfy these requirements.

On motion by Mr. Shevin, seconded by Mr. Conner and unanimously passed, the recommendations of the staff with the three stipulations shown on the agenda were approved as the action of the Board of Trustees.

-8-

OKALOOSA COUNTY - Marina License and Construction Permit
No. 46-30-2084E
(Revised March 14, 1973)

APPLICANT: Fountainhead Apartments
c/o Blondheim, Williams & Chancey, Inc.
College Plaza, Panama City, Florida 32401

PROJECT: To construct a 150-foot "T" shaped dock to occupy 7,400 square feet of sovereignty land.

LOCATION: Section 15, Township 2 South, Range 24 West, Santa Rosa Sound, Fort Walton Beach, Okaloosa County, not in an aquatic preserve.

MATERIAL: No dredging involved in the project.

PAYMENT: \$148.80 received as the annual marina license fee covering 7,400 square feet of sovereignty land to be occupied by the marina facility.

STAFF REMARKS: Field Operations Division recommends approval of the exemption application.

Staff recommends issuance of a marina license and construction permit at the annual fee of \$148.80.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. O'Malley and passed unanimously, the Trustees approved issuance of a marina license and construction permit as recommended.

-9-

SANTA ROSA COUNTY - Marina License and Construction
 Permit No. 57-30-2036E
 (Revised April 25, 1974)

APPLICANT: Jerald E. Willis
 Route 1, Box 7-B, Mary Esther, Florida 32569

PROJECT: To construct a dock 600 feet long by 8 to
 58 feet wide, and install 22 mooring pilings
 to occupy 14,800 square feet of sovereignty
 land.

LOCATION: Section 20, Township 2 South, Range 26 West,
 Santa Rosa Sound, Santa Rosa County, not in
 an aquatic preserve.

MATERIAL: No dredging involved in this project.

PAYMENT: \$296 received as annual marina license fee
 covering 14,800 square feet of sovereignty
 land to be occupied by the facility.

STAFF REMARKS: Field Operations Division recommends approval
 of the exemption application.

Staff recommends issuance of a marina license and construction
 permit at the annual fee of \$296 with the stipulation that water
 quality standards of the Department of Pollution Control be met.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. O'Malley and passed
 unanimously, the Trustees approved issuance of the marina license
 and construction permit as recommended subject to the stipulation
 regarding water quality standards.

-10-

ST. LUCIE COUNTY - Renewal of Marina License ML-148
 (Expiration Date: October 17, 1973)

APPLICANT: Outdoor Resorts of America, Inc.
 c/o Foresight, Inc.
 201 North Federal Highway, Suite 209
 Deerfield Beach, Florida 33441

PROJECT: Renewal of Marina License Number ML-148
 occupying 30,994 square feet of sovereignty
 land.

LOCATION: Section 3, Township 37 South, Range 41 East,
 Indian River, Nettles Island, St. Lucie County,
 not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$619.88 received as annual marina license fee
 covering 30,994 square feet of sovereignty land.

STAFF REMARKS: Field Operations Division reports that construction
 has not begun on the proposed docking facility.

Staff recommends renewal of the marina license at the annual fee
 of \$619.88.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. O'Malley and passed
 unanimously, the Trustees approved one-year renewal of the
 marina license as recommended.

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VOLUSIA COUNTY - Renewal of Marina License Permit No. ML-110
 (Expiration Date - May 9, 1974)

June 18, 1974

APPLICANT: Yacht Club Island Corporation
c/o John C. Gross
Post Office Box 596, New Smyrna Beach, Florida

PROJECT: To renew Marina License No. ML-110 for one year covering 34,376 square feet of sovereignty land occupied by the docking facility.

LOCATION: Section 20, Township 17 South, Range 34 East, Volusia County, not in an aquatic preserve.

MATERIAL: No dredging involved in project.

PAYMENT: \$687.52 received as annual marina license fee covering 34,376 square feet of sovereignty land occupied by the marina facility.

STAFF REMARKS: Field Operations Division recommends approval as it appears that the construction is in accordance with the submitted plans.

Staff recommends renewal of the marina license at an annual fee of \$687.52.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. O'Malley and passed unanimously, the Trustees approved one-year renewal of the marina license covering 34,376 square feet of sovereignty land as recommended.

-12-

DADE COUNTY - Construction Permit No. 13-37-1872
(October 12, 1973)

APPLICANT: Dade County Public Works Department
1461 Northwest 12 Street
Miami, Florida 33125

PROJECT: To construct a concrete bridge 55 feet long by 62 feet wide to cross Collins Canal and replace 265 lineal feet of existing bulkhead with steel sheet piling.

LOCATION: Section 34, Township 53, Range 42, Collins Canal, Miami Beach, Dade County, not in an aquatic preserve.

MATERIAL: No dredging is involved in this project.

PAYMENT: \$50 received as construction permit processing fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management -
The actual construction of the bridge should not have extensive adverse effects on marine biological resources if siltation is adequately controlled. The secondary adverse effects resulting from increased urban storm water runoff will constitute a long-term, small but continuous increase to the burden of the public waters and marine resources of the Miami Beach area.
Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.
Game and Fresh Water Fish Commission - Our field inspection team has reviewed the referenced bridge project and offers no objection.

DEPARTMENT OF POLLUTION CONTROL - This Department does intend to issue a water quality certification with provision for turbidity control. Adequate provision for storm water runoff is needed. Certification will be issued upon notification of approval by the Trustees.

Staff recommends issuance of a construction permit subject to the stipulation that turbidity controls are used during construction of the bridge.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. O'Malley and passed without objection, the Trustees approved issuance of the permit subject to the stipulation that turbidity controls be used during bridge construction.

-13-

ESCAMBIA COUNTY - Dredge Permit No. 17-21-1490
(August 9, 1973)

APPLICANT: Gulf Power Company
75 North Pace Boulevard, Pensacola, Florida

PROJECT: To maintenance-dredge 7,000 cubic yards of material from an existing channel and barge basin to -8.5 feet mean low water with the spoil to be placed on an upland diked spoil site.

LOCATION: Sections 25 and 30, Township 1 North, Range 30 West, Governor's Bayou, Escambia County, not in an aquatic preserve.

MATERIAL: 7,000 cubic yards of material to be dredged from sovereignty land and deposited on an upland diked spoil site.

PAYMENT: \$7,000 required as payment for 7,000 cubic yards of material from sovereignty land.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - Redredging the sandy, silty substrates in the bayou offshore the barge docks should not have significant adverse effects on marine biological resources provided siltation and turbidity are effectively controlled. The spoil area is located between Governor's Bayou and the Escambia River on lands that were originally within the flood plains of the river. The area is already diked and has previously been used for spoil disposal. . . The proposed reuse of the diked area for spoil disposal should not adversely affect biological resources in the Escambia River provided the existing dikes are of proper height and width to retain all effluents, even during flood stages of the river.

Game and Fresh Water Fish Commission - The spoil disposal area, presently being utilized by Gulf Power Company as an ash residue pond, appears to be relatively devoid of most fish and wildlife species, and additional spoil should produce no further damage. No significant adverse effects are anticipated with the proposed maintenance dredging project provided precautionary methods are utilized during dredging operations to minimize turbidity.

DEPARTMENT OF POLLUTION CONTROL - The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same. This certification is subject to the stipulation that (1) the composition of the dredge material is determined by a comprehensive sampling of the bottom sediments. The samples should be taken at 200-foot linear intervals along Governor's Bayou within the dredge area. The regional office of the Department should be provided with the following information concerning the samples. (a) sample location and depth of sediment core. (b) duplicate of the samples; (c) analysis of the sediments including polychlorinated biphenyls, coal, petrochemicals, volatile solids, Mercury, and others appearing as a result of sampling. (2) The dredge area is confined by installing a physical "block" to prevent the passage of any dredged materials into the river and bay. (3) The establishment of water quality monitoring stations and monitoring parameters is coordinated with the regional staff of the Department.

Staff recommends issuance of the dredge permit subject to water quality certification as issued by the Department of Pollution Control.

June 18, 1974

ACTION OF THE TRUSTEES:

Mr. Kuperberg requested that the following stipulation be added to the staff recommendation: "and assurance to Department of Natural Resources that the diking is adequate."

On motion by Mr. Conner, seconded by Mr. O'Malley and passed without objection, the modified staff recommendation was approved as the action of the Board.

-14-

MANATEE COUNTY - Dredge and Construction Permit No. 41-39-0422
(Revised May 20, 1974)

APPLICANT: Longboat Harbour Apartments
c/o Edgar M. Moore
800 Barnett Bank Building
Tallahassee, Florida 32304

PROJECT: To dredge 27,700 cubic yards of material from three areas: (1) North Boat Basin, 185 feet wide to -8.33 feet mean low water, and an access channel 100 feet long by 50 feet wide to -7 feet mean low water; (2) South Boat Basin 220 feet wide, and an access channel 200 feet long by 50 feet wide, to -7 feet mean low water, and (3) perform maintenance dredging in an existing channel 1,000 feet long by 50 feet wide to -7 feet mean low water, with the spoil to be deposited on the uplands. Construct a vertical concrete seawall around the proposed boat basins.

LOCATION: Section 36, Township 35 South, Range 16 East, Sarasota Bay, Town of Longboat Key, Manatee County, not in an aquatic preserve.

MATERIAL: 27,700 cubic yards of material to be dredged (2,500 cubic yards of material from sovereignty land) and deposited on the uplands.

PAYMENT: A refund of \$13,100 is due the applicant, as the amount of material to be dredged from sovereignty lands has been reduced from 15,600 to 2,500 cubic yards.

STAFF REMARKS: Field Operations Division reports that previously filled areas were not below the mean high water line as reported by the Town of Longboat Key, consulting Engineers, Smally, Wellford and Nalven.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - To best conserve remaining mangroves alongshore, the dredge area for the proposed north boat basin should be relocated landward. An existing channel at the north basin site could be used for access to the bay. The proposed boat basin at the south end of the development should be relocated landward and limited to a 50-foot wide access channel. Bulkheading should be accomplished with sloping riprap to insure maximum colonization by marine communities. The proposed 200 foot width of the boat basins may allow organic debris to enter and collect from adjoining grass flats. The mangrove area at the north boat basin could provide a site for collection and decomposition of floating pieces of grass and algae. Should this application be approved, it is strongly recommended that the applicant be required to restore and preserve a 50-foot width of mangroves along the north shore of the development. Such a provision would also protect remaining mangroves from gradual filling, silting, and destruction. Proposed dredging of bay bottoms should not exceed 4 feet. Agencies concerned with protecting water quality should carefully review this application which includes dredging in Class II Waters.

Bureau of Beaches and Shores - A hydrographic survey will not be required. The major revision to this project is the replacement of the southern canal marina with a more conventional marina configuration. This configuration would eliminate the potential circulation problems associated with a dead-end canal and if the

depths of the proposed marinas were kept shallower than -6 feet mean low water (as indicated in Mr. Edgar Moore's letter to Mr. James Carr, dated September 7, 1973), it is improbable that severe stratification would result. January 25, 1974: It is highly improbable that stagnation conditions would result in the proposed southern marina. This is due to the relatively large ratio of free entrance area to storage area of the marina. The relatively free circulation condition within the marina would not be adversely affected by a reduction in the size of the marina unless the free entrance area were severely reduced. Game and Fresh Water Fish Commission - Extensive clearing and filling at the north basin site has destroyed approximately 100 feet of intertidal mangrove forest, leaving only a narrow strip of mangroves adjacent to open water. This productive habitat should be restored, with the north boat basin located landward of the restored area and connected to open water by a 50 foot wide access channel. The shoreline at the south basin site is re-vegetating with red and black mangroves. To protect this area's potential productivity, the south basin should also be restricted to a 50 foot wide opening at its southernmost end. The proposed basin and channel depths are significantly greater than that of adjacent waters. This condition leads to poor circulation and stratification, thereby providing a potential source of pollution. Because of these problems associated with excessive depth, we recommend that the basins and channels have a maximum depth of -4 feet mean low water. The applicant, through his attorney, has indicated that he is amenable to this recommendation. If the applicant agrees to these stipulations, we would have no objections to the issuance of a permit.

DEPARTMENT OF POLLUTION CONTROL - October 17, 1973: By copy of this letter, we are advising the affected agencies that this Department has no objections to the proposed project. Certification will be issued pending a favorable response to the public notice and notification of approval of the project by the Board of Trustees.

May 28, 1974: At a minimum, the following stipulations should be incorporated into the certification: (1) Stormwater retention and dispersal through drainfields on applicant's property; (2) Utilization of turbidity controls on all segments of the work; (3) Monitoring during construction to include turbidity, DO, nutrients, temperature, PH and bacteriology.

OTHERS: The Manatee County Health Department recommends denial of the permit application because it feels that any scouring, sub-aqueous earth removal, or mangrove destruction will adversely affect the productive habitats of this area and will contribute to the degradation of the officially classified Class II waters of Sarasota Bay.

Staff recommends issuance of the dredge and construction permit with the following stipulations: (1) Water Quality certification as issued by the Department of Pollution Control; (2) A 50-foot wide strip of mangroves be restored and preserved along the north shore of the development; (3) The basins and channels be dredged to no greater than a maximum depth of -4 feet mean low water.

ACTION OF THE TRUSTEES:

The Manatee County Health Department had withdrawn its request for denial of this permit. The applicant agreed to restoration of the mangroves (stipulation #2 in staff recommendation).

On motion by Mr. O'Malley, seconded by Mr. Conner and passed unanimously, the staff recommendations were approved as the action of the Trustees.

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MARTIN COUNTY - Utility Installation Permit No. 43-23-2182
(November 26, 1973)

APPLICANT: Florida Power and Light Company
Post Office Box 3100, Miami, Florida 33101

PROJECT: To use the "plow-in" method for installation of 400 feet of submarine cable at a minimum of 24 inches below river bottom or at -18 feet mean low water.

June 18, 1974

LOCATION: Section 18, Township 40 South, Range 38 East,
St. Lucie Canal (C-44), Port Mayaca, Martin
County, not in an aquatic preserve.

MATERIAL: No dredging involved in this project.

PAYMENT: \$50 received as utility crossing processing fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - This project should not significantly affect the aquatic biological resources provided that siltation is adequately controlled.
Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.
Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections.

DEPARTMENT OF POLLUTION CONTROL - This Department has completed its review of the proposed project and feels that it will not materially affect water quality in the subject area. Therefore, we are waiving the requirement for water quality certification. This waiver is subject to the condition that the work is done by utilizing the best practicable construction methods and siltation control devices in order to prevent water quality problems.

Staff recommends issuance of the utility installation permit with the stipulation that adequate measures be taken to control siltation.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Turlington and passed without objection, the Trustees approved the staff recommendation for approval subject to the stipulation to control siltation.

-16-

PINELLAS COUNTY - Utility Installation Permit No. 52-23-1742
(September 21, 1973)

APPLICANT: General Telephone Company of Florida
Post Office Box 1639
Clearwater, Florida 33517

PROJECT: To place 2,090 feet of submarine cable to be laid
loosely on submerged bottoms in Clearwater Harbor.

LOCATION: Section 8, Township 29 South, Range 15 East,
Clearwater Harbor, City of Clearwater, Pinellas
County, in Aquatic Preserve G-19.

MATERIAL: No dredging involved in project.

PAYMENT: \$100 received as utility installation fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - To conserve grass flats adjacent to Clearwater Memorial Causeway, the cable should be installed by hand or with a small jet. The use of a clam shell or dragline should be limited to deep unvegetated bottoms.
Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.
Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections.

DEPARTMENT OF POLLUTION CONTROL - This certification is subject to the stipulation that all work be properly diapered with turbidity control devices.

OTHERS: The Board of County Commissioners of Pinellas County, sitting as the Water and Navigation Control Authority, at its meeting on July 3, 1973, issued a letter of no objection.

Staff recommends issuance of the utility installation permit with the stipulation that all work be properly diapered with turbidity control devices.

June 18, 1974

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Turlington and passed without objection, the Trustees approved the staff recommendation for approval subject to the stipulation regarding turbidity control devices.

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ST. LUCIE COUNTY - Utility Installation Permit No. 56-23-2002
(October 24, 1973)

APPLICANT: Florida Power and Light Company
Post Office Box 3100
Miami, Florida 33101

PROJECT: To use the "plow-in" method for installation of 1,355 feet of submarine cable at a minimum of 36 inches below canal bottom.

LOCATION: Section 10, Township 37 South, Range 40 East, St. Lucie River and Long Creek, St. Lucie County, in Aquatic Preserve A-13.

MATERIAL: No dredging involved in this project.

PAYMENT: \$50 received as utility processing fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The proposal should not have significant adverse effects on the aquatic biological resources provided that siltation is adequately controlled. The disturbance to the submerged bottoms should be localized, minimal, and short term.

Bureau of Beaches and Shores - A hydrographic survey will not be required. It is improbable that this project would have significantly adverse hydrographic effects.

Game and Fresh Water Fish Commission - Our Environmental Section has reviewed this permit application and offers no objections.

DEPARTMENT OF POLLUTION CONTROL - This Department has completed its review of the proposed project and feels that it will not materially affect water quality in the subject area. Therefore, we are waiving the requirement for water quality certification. This waiver is subject to the condition that the work is done by utilizing the best practicable construction methods and siltation control devices in order to prevent water quality problems.

Staff recommends issuance of the utility installation permit with the stipulation that adequate measures be taken to control siltation.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Turlington and passed without objection, the Trustees approved issuance of the permit subject to the stipulation to control siltation.

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CHARLOTTE COUNTY - Dredge and Construction Permit
No. 253.123-1177
(April 17, 1974)

APPLICANT: General Development Corporation
1111 South Bayshore Drive
Miami, Florida 33131

PROJECT: To dredge 20,000 cubic yards of material for a proposed upland boat basin 200 feet wide to -6 feet mean high water, and an access channel approximately 2,000 feet long by 100 feet wide to -6 feet mean high water, with the spoil to be deposited on the uplands adjacent to the boat basin and access channel; access channel sides to be sloped 6:1 and revegetated; to construct a boat lock and 3 "T" shaped drainage ditches.

June 18, 1974

LOCATION: Sections 29 and 32, Township 40 South, Range 22 East, Manchester and Ackerman Waterway, Charlotte County, not in an aquatic preserve.

MATERIAL: 20,000 cubic yards of material to be dredged from privately-owned submerged land and deposited on the uplands adjacent to the proposed boat basin and access channel.

PAYMENT: Not applicable, as no payment is required for material removed from privately-owned submerged land.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The revised development plan meets the recommendations expressed in our report dated October 25, 1972 and during a subsequent joint agency field inspection. The proposed dredging and filling would encroach upon salt prairie located along the landward edge of extensive tidal marsh and mangrove. Tidal ponds and creeks would be preserved.

Bureau of Beaches and Shores - A hydrographic survey will not be required. . . the project agent advises that a height of 1.7 feet mean sea level is presently proposed (elevation of overflow sections of the "T" canals). This elevation is substantially higher than mean high water and tidal overflow could be expected only during the most extraordinary tidal conditions. As a result, the 'T' canals, as proposed, would not have any significant effect on the circulation pattern of the canal system and water introduced into Manchester Waterway during a flood tide would be discharged back to Ackerman Waterway on the succeeding ebb unless the lock system was operated . . . Due to the shallow depths of Manchester Waterway, stratification would be improbable.

Game and Fresh Water Fish Commission - We concur with the comments of the Department of Pollution Control and their stipulations for the implementation of this project.

DEPARTMENT OF POLLUTION CONTROL - Certification was issued on the basis that the water quality will not be degraded and is subject to conditions and requirements confined in the "General Development Corporation Unit #79" document dated July 2, 1973, prepared by Paul and Thomson, Attorney at Law, Miami, Florida, for General Development Corporation, and a "Final Order" of the Florida Pollution Control Board, Order No. 73-68, dated October 15, 1973.

Staff recommends issuance of the dredge and construction permit subject to water quality certification requirements of the Department of Pollution Control.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Turlington and passed without objection, the Trustees approved issuance of the permit subject to the water quality requirements of the Department of Pollution Control.

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COLLIER COUNTY - Consideration of Oil and Gas Lease Bids

APPLICANT: James B. Richter
Post Office Box 905
Naples, Florida 33940

REQUEST: Consideration of sealed bids for an oil and gas drilling lease.

LOCATION: Section 16, Township 47 South, Range 28 East, containing 640 surface acres, Collier County.

INTEREST OF STATE: The State Board of Education holds a reserved undivided one-half interest in the petroleum and petroleum products in this privately-owned section (320 net mineral acres). All proceeds from the proposed lease will go to the School Fund.

On May 7, 1974 (agenda item No. 19) the Board advertised for sealed bids for a five-year oil and gas drilling lease requiring an annual rental of \$1 per net mineral acre, \$50,000 surety bond,

June 18, 1974

1/6 royalty, and at least one test well every 2½ years drilled to a depth of 6,000 feet or to a depth sufficient to test the Sunniland pay zone, whichever is deeper.

Invitation to bid was advertised pursuant to law in the Tallahassee Democrat and Naples Daily News, with bids to be opened at 10:00 a.m. (EDT) on June 18, 1974, for consideration by the Board. The right to reject any or all bids is reserved.

Staff recommends consideration of bids.

ACTION OF THE TRUSTEES:

Mr. James T. Williams, director of Land Records Division of the Trustees' office, recommended acceptance of the one bid received in response to the advertised notice, a total bid of \$8,480.00 from James B. Richter. The bid represented the rental plus a bonus bid of \$25.50 per acre.

On motion by Mr. O'Malley, seconded by Mr. Conner and passed without objection, the Trustees accepted the bid and authorized issuance of oil and gas drilling lease to the bidder.

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DUVAL-NASSAU COUNTIES - Florida Frontier River National Cultural Park

On January 3, 1973, the Trustees withheld issuance of new construction permits until after January 1, 1974, in the area of the proposed Florida Frontier River National Cultural Park in the Nassau Valley and down the Intracoastal Waterway to the St. Johns River, at the request of Congressman Charles E. Bennett who had asked for the withholding of permits for works in this area until the Congress had an opportunity to act on his bill for the establishment of the Florida Frontier River National Cultural Park.

The moratorium period has expired and requests are being received by the Trustees' office as to the status of the moratorium.

By letter of May 30, 1974, Congressman Charles E. Bennett advised that the decision on the Florida Frontier River National Cultural Park is under active consideration and probably will be made firmly within the next month and a half.

Staff recommends that the Trustees extend the moratorium on issuance of new permits in this area until July 30 of this year.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Conner and passed without objection, the Trustees extended the moratorium until July 30, 1974.

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MONROE COUNTY - Dredge and Construction Permit No. 44-20-0351
(Revised May 23, 1974)

APPLICANT: Dulworth and Rives, Inc.
c/o William J. Roberts
Post Office Box 1386
Tallahassee, Florida 32302

PROJECT: To dredge 16,365 cubic yards of material for construction of an upland boat basin 250 feet in diameter to -5 feet mean low water, an access channel 300 feet long by 40 to 50 feet wide, to -5 feet mean low water, with the spoil to be deposited around the proposed boat basin; construct docking facility to encompass approximately two-thirds of the circumference of the proposed boat basin.

LOCATION: Section 15, Township 64 South, Range 36 East, Florida Bay, Monroe County, not in an aquatic preserve.

June 18, 1974

MATERIAL: 16,365 cubic yards of material to be dredged (2,315 cubic yards from sovereignty land) to be deposited around the proposed upland boat basin.

PAYMENT: \$3,472.50 would be the payment for 2,315 cubic yards of material to be removed from sovereignty land. Applicant agrees to reconvey 2.18 acres of submerged land to the Trustees in consideration of a credit of \$1,521, with the balance of \$1,951.50 to be submitted. The credit for the applicant's purchase price computed at a 6% compounded rate is considered a fair set-off against the total charge of \$3,472.50.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The access channel would begin in the area of mixed mangrove mentioned above, cut through approximately 180 feet of mixed mangrove, then through 50 feet of red mangrove fringe and finally extend 100 feet out into the open water of Florida Bay. The apparent mean low water line on the application diagram appears to correspond to the waterward edge of the red mangroves. . . The off-shore depths indicated on the application diagram must refer to the limestone substrate which is covered in most places by at least 2 feet of silt, fine sand, and shell fragments. Consistent depths of approximately -5 feet mean low water over the existing bottom were observed 800 to 900 feet out from the mangrove fringe. . . To best conserve marine biological resources, marina development should be restricted to the landward side of the man-made berm.

If each 300 feet of the total 4,000-foot parcel of undeveloped land would require an access channel, it would mean that 13 such channels with associated marinas would be constructed. Property owners in this area should be encouraged to submit a conservative, comprehensive plan in order to prevent piecemeal development which would have significant adverse effects on an area adjacent to, if not in, an aquatic preserve. Should this project be approved, all available controls should be employed to contain siltation during construction, thereby safeguarding against short-term impact upon water quality.

Bureau of Beaches and Shores - A hydrographic survey will not be required. Due to the size and configuration of the proposed basin, relatively uniform mixing will occur within the basin and local stagnant pockets will not develop. The replenishment of the marina water will depend primarily on the depth of the basin and entrance channel. In this respect, there is an apparent discrepancy in the application since the plans show a proposed depth of -5 feet mean low water; but the application states that the channel and basin are to be 10 feet deep. It is recommended that the -5 feet mean low water depth be used and the entrance channel be carried to -5 feet mean low water contour offshore to insure that free communication is maintained over this depth. The application states that the excavation is to be undertaken in limerock; however, the presence of the mangrove area around the entrance channel indicates an overburden of highly organic material. A vertical cut through such material would be unstable. It is, therefore, recommended that either a very gentle side slope be used for the entrance channel through the mangrove area or a berm be left between the mangroves and that portion of the entrance channel that is excavated in limerock.

Game and Fresh Water Fish Commission - Our on-sight inspection revealed that the vicinity of the proposed access channel and basin is vegetated with mature red, black, and white mangroves. Mangrove communities of this type are known to play an important role in the maintenance of viable fish and wildlife populations in the following ways:

1. Fallen leaf litter and organic materials from the mangroves provide the base of a long and complex food web beginning with bacteria and fungi and extending to commercially important fish and invertebrates which are in turn consumed by man.

2. Mangrove communities provide a buffer strip between upland development and productive bays and estuaries. Buffering actions include the assimilation of waste materials from upland development, the entrapment of suspended sediments from open waters, and the protection of upland development from erosion and flooding.

3. Mangrove habitats provide refuges, feeding areas and nesting sites for a wide variety of fish and wildlife including several rare and endangered species.

The proposed 50-foot access channel is located in areas heavily vegetated by turtle grass. Turtle grass provides a function in the submerged marine habitat similar to that of mangroves in the intertidal area. Detritus from these grasses is the base of additional food chains comparable to those based on mangrove leaf litter. Myriads of marine invertebrates and fish utilize these grass flats for purposes of feeding, breeding and protection. The combination of submerged grass flats and mangrove shorelines provides a system most essential to the productivity of Florida waters. Due to the destruction of the natural resources that would occur if this project were constructed, we recommend that the permit not be issued.

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500, this will certify that the following project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of the Environmental Protection Agency and have been proposed as the effluent limitations under Section 301(b), Public Law 92-500, Federal Water Pollution Control Act.

The issuance of this certification is based upon a review of the details of the project and a public notice of this agency's intent to certify the same.

This certification is subject to the stipulations that: (1) Boat basin location is moved landward and placed above the mean high water line; (2) No filling below the mean high water line with deletion of the proposed mangrove spoil area; (3) Channel and boat basin shall be no deeper than the adjacent waters of Florida Bay or five (5) feet mean low water, whichever is more shallow; and (4) Hydraulic dredge shall be used in such manner as to meet turbidity standards.

Staff recommends issuance of the dredge and construction permit with the following stipulations: (1) Water quality certification as issued by the Department of Pollution Control, (2) The entrance channel between mean high water and mean low water be stabilized by leaving a berm between the mangroves and that portion of the entrance channel that is excavated in limerock, (3) Reconveyance of submerged lands contained in the TITF Deed No. 24125 to the State of Florida in lieu of dredged material fee payment for \$3,472.50, of which \$1,951.50 is to be received in cash.

ACTION OF THE TRUSTEES:

Mr. Kuperberg requested that the following fourth stipulation be added to the staff recommendations: (4) the proposed access channel location be selected so as to minimize destruction of marine grass beds and be approved by the Department of Natural Resources. On behalf of the applicant, Mr. William J. Roberts had accepted the additional stipulation.

On motion by Mr. Conner, seconded by Mr. O'Malley and passed without objection, the modified staff recommendation was approved as the action of the Board.

Mr. O'Malley asked if there was still a basic moratorium in Monroe County on dredge and fill activities in the Florida Keys. The Executive Director said there had not been a Department of Pollution Control moratorium in effect for about one year; after the Trustees initially reviewed the matter the Department of Pollution Control did declare a moratorium that ended in April 1974. During the administration of Governor Kirk there was a state-wide moratorium during the time aquatic preserves were being designated and established.

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DUVAL COUNTY - Construction Permit No. 16-39-1792
(Revised, April 22, 1974)

APPLICANT: Ra-Mon Industries, Inc. c/o James T. Wilson, Jr.
448 Telfair Street, Augusta, Georgia 30901

June 18, 1974

PROJECT: To install 1,300 feet of floating docks to be connected to an existing seawall by 23 walkways, 48 inches wide, and a gazebo 24 feet by 24 feet in an existing artificial canal.

LOCATION: Section 31, Township 2 South, Range 29 East, Intracoastal Waterway, Isle of Palms, Duval County, not in an aquatic preserve.

MATERIAL: No dredging involved in the project.

PAYMENT: \$50 received as construction permit processing fee.

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - The deletion of dredging from this proposal constitutes a substantial reduction in damage to be expected from this plan. This deletion, in conjunction with efforts to avoid unnecessary damage during construction, effectively reduces the impact of this project to a minimal level. The long-term effects upon the marine communities resulting from degradation of water quality, to be expected to result from associated activities, is a subject more properly addressed by the Department of Pollution Control.

Game and Fresh Water Fish Commission -- Subsequent to this revision, our agency has no further objections to this project. As stated in our initial letter of March 21, 1974, we suggest that the growth of Spartina be encouraged along the entire length of the seawall by minimizing any disturbance to the mud and sand area located above the mean low water line.

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500, this will certify that the following project will comply with the applicable water quality standards of the State of Florida, which standards have been approved by the Administrator of the Environmental Protection Agency and have been proposed as the effluent limitations under Section 301(b), Public Law 92-500, Federal Water Pollution Control Act.

Staff recommends issuance of the construction permit.

ACTION OF THE TRUSTEES:

On motion by Mr. Conner, seconded by Mr. Stone and passed without objection, the Board authorized issuance of the construction permit.

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DUVAL COUNTY - Extension of Maintenance Dredge Permit 253.123-642 (May 16, 1974)

At the request of the State Treasurer, the Trustees deferred consideration of the application of Jacksonville Shipyards, Inc., to dredge for removal of silt in Sections 13 and 38, Township 2 South, Range 26 East, and Sections 13 and 45, Township 2 South, Range 26 and 28 East, St. Johns River, Duval County.

Attorney General Shevin said he was beginning to believe that all spoil should be deposited offshore in the ocean as opposed to using Grassy Point and Quarantine Island. He thought the trend of thinking was toward ocean-dumping and the Board should direct attention to a final solution instead of an interim solution. Mr. O'Malley added that some better ultimate solution to maintain the Jacksonville Port Authority function must be found, and it might be spoiling in the ocean. He recalled recent approval for continued use of Grassy Point.

Mr. Kuperberg noted that the Board two weeks ago reversed a previous action and allowed spoil disposal in the Grassy Point area through 1976. He pointed out that in the letter of June 4 from General C. N. LeTellier of the Army Corps of Engineers, paragraph 3 stated, "Because of the time required to initiate a sea-dump operation I would also be unable to include money for Section 2c in my next budget request." It appeared that Jacksonville Port Authority would lose the deepening project because of the time required if deposit at sea is the decision.

The Trustees unanimously deferred consideration of items 24 and 28 on this agenda.

June 18, 1974

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BAY COUNTY - Marina License and Construction Permit 03-39-2318E
(January 2, 1974)

APPLICANT: Paul W. Jennings
5128 West Highway 98
Panama City, Florida 32401

PROJECT: To construct a dock 125 feet long by 4 feet wide,
a gangway, and install 4 mooring dolphins covering
13,520 square feet of state-owned submerged land
to be occupied by the marina facility.

LOCATION: Section 34, Township 3 South, Range 15 West,
St. Andrews Bay, Panama City, Bay County, not
in an aquatic preserve.

MATERIAL: No dredging involved in the project.

PAYMENT: \$270.40 received as annual fee payment for a marina
license covering 13,520 square feet of state-owned
submerged land.

STAFF REMARKS: Field Operations Division recommends approval
of the exemption application. Application for license to use
filled state land was approved by the Cabinet on June 4, 1974,
Item #25.

ECOLOGICAL RESPONSE:

DEPARTMENT OF POLLUTION CONTROL - Pursuant to Public Law 92-500,
this will certify that the following project will comply with the
applicable water quality standards of the State of Florida,
which standards have been approved by the Administrator of the
Environmental Protection Agency and have been proposed as the
effluent limitations under Section 301(b), Public Law 92-500,
Federal Water Pollution Control Act. The issuance of this certi-
fication is based upon a review of the details of the project
and a public notice of this agency's intent to certify the same.
The applicant is cautioned that during the execution and/or main-
tenance of the subject project, creation of turbidity in the ex-
cess of fifty (50) Jackson Units (measured in accordance with
Department Technical Memorandum 4-4) above the background level
and/or directly or indirectly affecting the water quality in the
aforementioned waterway in such a manner as to exceed the limita-
tion on the concentrations of various constituents for such waters
as prescribed in Chapter 17-3, Florida Administrative Code, is a
violation of the Water Quality Standards of the State of Florida.

Staff recommends that, in accordance with previous action of
the Trustees, there be issued a marina license and construction
permit at an annual fee of \$100.

ACTION OF THE TRUSTEES:

The annual fee shown in the recommendation was corrected to
\$270.40. The Director explained that the Board on June 4
granted the upland base for the project (the license not yet
executed), and this application was for a dock leading out
to the depth of water where the vessel would be moored.

Motion was made by Mr. O'Malley, seconded and declared to be
passed, with Mr. Turlington voting in the negative, to approve
this application. The Governor abstained from voting.

Later, Mr. O'Malley moved, seconded by Mr. Turlington, to re-
consider the vote on item 25 because Mr. O'Malley raised some
questions and had not been present on June 4. It was explained that
because use of emergency dolphins became unnecessary, the applicant
did not obtain the bond requested on April 16 and the Board did
not require it on June 4.

Mr. Shevin felt the applicant should be allowed to proceed with
his project and the bond was not essential, but he commented that
the majority of the Board apparently thought a bond should be
posted to cover removal of the vessel if the venture fails.

June 18, 1974

Motion was made by Mr. O'Malley, seconded by Mr. Turlington and passed with Mr. Shevin voting in the negative, to reconsider the vote on the application for marina license and construction permit.

Mr. Jennings discussed his expenditures for reconditioning the vessel and securing artifacts for a historic museum, the participation by the Historic Society and a boating display by the Coast Guard. He objected to the bond requirement and stated that the U.S. Army Corps of Engineers was responsible for removal of sunken vessels from territorial waters of the state at the owner's expense.

Mr. Conner recalled that he suggested a termination clause in the license but did not get complete information regarding some of his questions at the June 4 meeting. He suggested that the local authorities might help Mr. Jennings select an appropriate location for his project.

Mr. O'Malley made a motion for continuance and that the staff make an inspection, secure information about the responsibility of the Corps of Engineers, and resolve the matter of issuance of a bond so that the state will not be called on to bear the expense of removal in the event the venture fails. The motion was seconded by Mr. Turlington and passed on the following vote: Yea - Messrs. O'Malley, Shevin, Conner, and Turlington; Nay - Mr. Stone and Governor Askew.

Further consideration was deferred for two weeks.

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CLAY COUNTY - Marina License and Construction Permit 10-30-2310E

Withdrawn from the agenda at the request of the District Counsel of the U. S. Army Corps of Engineers was the application by C. J. Massee to construct a pier extension to an existing dock in Section 41, Township 4 South, Range 26 East, St. Johns River, Clay County.

The federal lawsuit against this applicant has been suspended while application is made for a Corps of Engineers permit. Issuance of a Trustees permit for work beyond that shown in the Corps of Engineers public notice of December 12, 1973, would be inappropriate until Corps permission for such work is obtained.

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LEE COUNTY - Dredge, Marina License and Construction Permit No. 36-39-1221E (March 28, 1974)

APPLICANT: Board of County Commissioners of Lee County
Post Office Box 398
Fort Myers, Florida 33902

PROJECT: To dredge 500 cubic yards of material for a proposed channel 200 feet long by 50 feet wide, to -1.5 feet mean low water with the spoil to be deposited on the upland, construct a boat launching ramp and three 50-foot long docks to occupy 3,500 square feet of sovereignty land.

LOCATION: Section 9, Township 46 South, Range 23 East, Caloosahatchee River, Lee County, not in an aquatic preserve.

MATERIAL: 500 cubic yards of material to be dredged from sovereignty land and deposited on the upland.

PAYMENT: The applicant requests waiver of fee for payment of material and the annual marina license fee for 3,500 square feet of sovereignty land to be occupied by the facility.

STAFF REMARKS: Field Operations recommends approval of the exemption application as proposed.

Staff recommends waiver of fees subject to use of spoil for a public purpose, issuance of a dredge permit, marina license and construction permit subject to the stipulation that turbidity controls are used during the dredging operation.

ACTION OF THE TRUSTEES:

On motion by Mr. O'Malley, seconded by Mr. Turlington and passed unanimously, the staff recommendation was approved as the action of the Board.

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DUVAL COUNTY - Perpetual Spoil Disposal Easement, File 2576-16-253.03

Without objection, the Trustees deferred at the request of the State Treasurer the application of Jacksonville Port Authority, by J. J. Scott, Jr., Managing Director, for a spoil disposal area to be used by the Port Authority, the federal government and other harbor interests, on a 141.8-acre parcel of sovereignty land in the Mill Cove area of the St. Johns River abutting the westerly side of the north end of Quarantine Island in the unsurveyed part of Township 1 South, Range 27 East, Duval County, not in an aquatic preserve. (See discussion of item 24 of these minutes).

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LEON COUNTY - Partial Release of Restrictive Covenant

APPLICANT: Aubrey Barrow
Tallahassee, Florida

REQUEST: Release of restrictive covenant held by the Board of Trustees affecting certain land owned by Aubrey Barrow.

LOCATION: A parcel in the SW $\frac{1}{4}$ of Section 6, Township 1 South, Range 3 West, containing 1 acre more or less, in Leon County.

Mr. Barrow has purchased this property at Lake Talquin on which an easement to Florida Power Corporation had been granted by previous owners of the property. When Florida Power Corporation conveyed the lands at Lake Talquin to the State of Florida, the easement was assigned to the state. The covenant prohibits the construction of a dwelling in order to protect the holder of the easement from any liability in the event the lands are flooded. However, the lands have for many years been used for residential purposes in direct conflict with the restriction.

As a result of the restriction, Mr. Barrow cannot borrow money against the property. The proposed "Partial Release of Restrictive Covenant" will protect the state against any claim for flooding damages and at the same time allow Mr. Barrow to secure financing of his property. Staff legal counsel of the Board of Trustees has reviewed this matter and recommends issuance of the release.

The Division of Recreation and Parks, Department of Natural Resources, is recommending a partial release of the restrictive covenant.

Staff recommends issuance of the Partial Release of Restrictive Covenant to Mr. Aubrey Barrow.

ACTION OF THE TRUSTEES:

On motion by Mr. Stope, seconded by Mr. O'Malley and passed unanimously, the Trustees approved issuance of the partial release as recommended by the staff.

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MONROE COUNTY - Dredge, Fill and Construction Permit
No. 253.123-764
(Revised April 15, 1974)

APPLICANT: Ocean Reef Shores, Inc.
c/o Joseph C. Jacobs
Post Office Box 1170
Tallahassee, Florida 32302

June 18, 1974

PROJECT: To dredge 10,420 cubic yards of material for a proposed navigation channel 600 feet long by 60 feet wide sloping from -5 to -4 feet mean low water; a perimeter navigation channel 530 feet long by 50 feet wide, with two connections, 480 and 520 feet long by 50 feet wide, sloping from -5 to -6 feet mean high tide, with the spoil to be deposited on the uplands; construct 600 feet of boulder riprap along the existing mean high tide line of a previously unpermitted filled area 300 feet long by 200 feet wide, to +6 feet mean sea level.

LOCATION: Section 29, Township 60 South, Range 40 East, North Key Largo, Atlantic Ocean, Monroe County. Project is located within the boundaries of Coral Reef State Park, not in an aquatic preserve.

MATERIAL: 2,110 cubic yards of material to be dredged from state-owned submerged land and 8,310 cubic yards to be dredged from owner's upland.

PAYMENT: \$3,165 required as payment for 2,110 cubic yards of material to be removed from state-owned submerged lands.

STAFF REMARKS: April 30, 1974: Field Operations Division recommends denial of the application. This application was on the April 2, 1974 agenda (item #8).

ECOLOGICAL RESPONSES:

DEPARTMENT OF NATURAL RESOURCES, Survey and Management - September 25, 1973: The proposed connection canal at the east end of the project will be dredged to -5 feet in a previously filled section; its construction should not have additional adverse effects on marine biological resources. Dredging an access channel 60 feet wide, 5 feet deep, and from 1,800 to 3,300 feet long will have definite direct adverse effects on marine biota of the immediate area. The proposed depth is fairly conservative and can be expected to eventually become revegetated and repopulated. However, the excessive depth of the upland canal system may lead to water degradation which, in turn, may preclude significant recovery of the area. One other factor must be considered: the proposed work lies within the boundaries of Coral Reef State Park. It has been documented that excessive turbidity and sedimentation damage can destroy reef building corals. At present there are indications that the reef corals of the park are under stress. (A study on this subject has been completed but not published). This project will, in all probability, place additional stress on the reef. (Reef building corals recover very slowly if at all after sedimentation damage.)

Bureau of Beaches and Shores - May 24, 1974: A hydrographic survey will not be required. The information provided on the revised application is extremely sparse and shows only work at the entrance of an existing canal system. Communication with the area marine biologist for Survey and Management shows the project involves connecting an upland canal system, not shown on the application, with the Atlantic Ocean. This system consists of two main canals approximately 25 feet deep and 1,000 feet in length, connected at their western end by a circulation channel. In artificial waterways of this nature, tidal fluctuations provide the primary means of water exchange and the effectiveness of long shore currents would be secondary in nature. Tidal flow tends to maintain relatively high exchange rates near the entrance of such canals; however, this condition rapidly degenerates with distance from the entrance. As the result, water near the end (western) of the canal is replenished very slowly. Excessive canal depths further aggravate this condition, as they reduce the relative effectiveness of the tide induced exchange. In addition, when the canal depths are significantly deeper than the depth of the receiving water, stratification usually results. In a letter from Jose M. Muxo, Jr., P.E., attached to the revised application, reference is made to eliminating "any possible ground water flow to the canals"; however, the plans do not show how this is to be accomplished. In view of the highly permeable nature of this substrata in this area, it appears that ground water flow

into the canals could be prevented only by making the sides and bottom of the canals impermeable. It is questionable whether this would be desirable since periodic ground water inflow may have some effect at reducing stratification. It is improbable that the excavation of an offshore navigation channel to a depth of 5 feet would have significantly adverse hydrographic effects. Division of Recreation and Parks, April 26, 1974 - We have received Dr. Arnfried Antonious' report (Coral Reef Studies) and he has concluded that the reefs within the park are quantitatively documented as in good condition, at this time, but they are in serious danger. . . It should be noted that this Division has tried to discourage dredging in or near the park through the permit review procedure. If dredging had been allowed, the health of the reef could be in poor condition today. . . Perhaps some new direction will surface from our meeting with Dr. Griffin on May 14. Until then, however, we believe we should continue to oppose dredging projects in or near the park.

Game and Fresh Water Fish Commission, - May 27, 1974- The information provided by the applicant is sketchy and incomplete. There is no indication of the amount of fill material to be removed or deposited, no description of methods of construction, and no determination of the location of the spoil area. The Florida Game and Fresh Water Fish Commission first offered comments on this project on August 24, 1971. In that letter we suggested that work, including the elimination of the red mangrove wetlands, had been accomplished at the project site. Regardless of the illegalities associated with this early work, our comments still revolve around the fact that wetlands valuable in many respects to the future ecological health of Key Largo and associated offshore reefs have been eliminated. This new revision as well as the revision of August 3, 1973, involves reconfiguration of existing canals in order to eliminate the stagnation of water. Whether or not waters will flush through the system is important but does not solve the primary problems associated with increase construction of access channels and elimination of grass beds and peripheral mangroves on Key Largo. . . . Due to the destruction of biological resources involved, the permit application in its present form should not be issued. If we can be of service to the applicant in this matter we will be most happy to help in the project design.

DEPARTMENT OF POLLUTION CONTROL, September 6, 1973 - In response to your request for certification in accordance with Public Law 92-500, this Department has conducted a detail inspection of the subject project. As a result of this inspection it is expected that local water quality will be degraded as a result of connecting the navigation channel to the canal system. The connection of approximately 6,000 feet of additional artificial or unnatural water frontage will result in the introduction into these waterways of quantities of fertilizer, pesticides, oils and greases, organic debris, coliform bacteria and various toxic and deleterious substances through surface runoff, wind action or human actions. These substances are likely to become trapped in the artificial waterways and due to the extreme depth of the canals (-25 feet) the formation of an extensive layer of water with a reduced dissolved oxygen content may also be expected. . . The project application indicates that the navigational access channel will be dredged out to a depth of 5 feet of mhw. The ocean bottom in the area is gentle sloping and shallow; therefore the depth of 5 feet at mean low water would be obtained by dredging at approximately 2,000 feet offshore. Dredging a distance of 2,000 feet could create siltation which would deleteriously affect the surrounding aquatic ecosystem and affect water quality. Based on the above it is the recommendation of the staff of the Department of Pollution Control to the Board of the Department of Pollution Control that your request for certification in accordance with Public Law 92-500, be denied as it is expected that local water quality will be degraded as a result of the project.

Staff recommends denial of the dredge and construction permit on the basis of adverse comments from state environmental agencies.

ACTION OF THE TRUSTEES:

This application dealing with lands several miles south of the tip of Key Largo was a revision of that considered on March 4 and deferred by the Board on April 2 with instructions to the staff to review the proposal by Jose Muxo, applicant's engineers,

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for an alternate way to handle the canal-ocean connections. The staff had verified that the land was within the boundaries of the Coral Reef State Park which extended to the mean high water line. After environmental impact review of the revised plan, there were still objections and the staff recommendation for denial of the project was based on these adverse comments from state environmental agencies and a rule of Department of Natural Resources opposing such projects.

Mr. Muxo stated that he had been given the opportunity to see only one of the re-evaluations, the one by the Trustees' Field Operations Division. He felt the agenda remarks and agencies' comments were not entirely correct, did not relate to the revised review and were no technical denial that the proposed revision would not overcome the theoretical objections to this project that was too small to warrant a hydrographic study. He stated that property owners have riparian rights on the water adjacent to the park, the revised park boundaries were by resolution and not by law, the coral reef study noted the major cause of the effect on the reefs was water temperature change known to be caused by northwesterly winds that generate turbidity and changes in temperature, and there was no quantitative analysis on what causes damage to the coral reef. He claimed that a 600-foot channel was adequate, part of the proposal was to revegetate, Mr. Valois (property owner) bought the land based on a plat filed in Monroe County, built upland canals when the only application necessary was to the Corps of Engineers, and now asked for permission to remove the plug for connection of the canals to the Atlantic Ocean.

Responding to questions by the members, Mr. Kuperberg pointed out that a major part of the application was the channel into the ocean which was extremely shallow in this area and information was that the channel would have to go out 2,000 feet in order to get to navigable water five feet deep.

Commenting that about ten other property owners had been allowed channel access to the ocean since 1967, Treasurer O'Malley expressed a need for more information and at his request the Trustees deferred action on the revised application for two weeks.

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TRUSTEES RULES - Emergency (18-0.17 through 18-0.25)
and New (18-5.51 through 18-5.59) Rules

SUBJECT

MATTER: Rules for the acquisition of professional architectural, engineering, or land surveying services.

Chapter 287.055(3)(d) directs that each agency shall adopt administrative procedures for the evaluation of professional services.

RULE: The proposed emergency rules and the proposed new rules, which are identical, provide for the acquisition of the professional services listed above and are in compliance with Florida Statutes 287.055 ("Consultant Competitive Negotiation Act").

The emergency rules and the new rules provide for public announcement of projects requiring professional services. Application procedures are defined. A Competitive Selection Committee shall determine the eligibility of firms for projects under a system of competitive selection and negotiation. Contingent fees are prohibited and the public may not be excluded from any proceedings authorized under these regulations.

Staff recommends that the Trustees approve the filing of emergency rules 18-0.17 through 18-0.25 and the filing of new rules 18-5.51 through 18-5.59 as permanent rules pursuant to Florida Statutes Chapter 120.

ACTION OF THE TRUSTEES:

A motion made by Mr. Stone, seconded by Mr. Turlington, to waive the rules for this supplemental item was withdrawn after a brief discussion and a negative vote by Mr. O'Malley.

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Mr. Kuperberg explained that while the surveying contract being considered was in connection with Estero Bay, this was a necessary rule in order to negotiate with any land survey firms.

Mr. Conner said he was not prepared to take this action today and at his request, action was deferred for two weeks.

Secretary of State Stone made a motion to waive the rules for consideration of a matter already considered by the Department of Natural Resources with regard to a bridge in Clearwater.

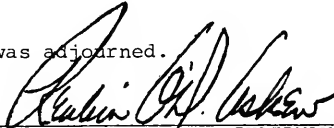
Mr. Max Battle, Director of Public Works of the City of Clearwater, explained the problem. Construction of a jetty had endangered a bridge crossing Clearwater Pass and Sand Key, and a tentative contract with the Army Corps of Engineers has been awarded.

As the staff had not yet received comments from the Department of Pollution Control, the Governor suggested that the item be placed on the agenda as expeditiously as possible consistent with receipt of the environmental comments and preparation of a staff recommendation for the Board.

It was so ordered.

Referring to the resignation of the Executive Director, Treasurer O'Malley said while he had disagreed on several agenda matters it had been as a part of his responsibility and duty as a member of the Board of Trustees and in no way had he solicited the resignation. Mr. Kuperberg, responding, affirmed that he made the decision of his own volition and would be glad to provide information regarding the Trust for Public Lands, the organization with which he would be associated.

On motion duly adopted, the meeting was adjourned.


GOVERNOR - CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

* * * * *

RESOLUTION

WHEREAS, Joel Kuperberg, who has served the people of Florida and the cause of conservation of natural resources with integrity, dedication and devotion to the public interest, has regrettably submitted his resignation from the position of Executive Director of the Board of Trustees of the Internal Improvement Trust Fund, and

WHEREAS, this distinguished service, in the protection of natural, irreplaceable and therefore invaluable assets belonging to all the people of Florida and their children and grandchildren, came during the increasingly critical period of intense pressures arising from population and economic growth on the one hand and, on the other, the slower, surer and sobering realization on the part of many citizens that the remains of our still-green State on the planet Earth is all that our children are ever going to have, and

WHEREAS, much of Mr. Kuperberg's enormous contribution to the cause of conservation comes - as befits democracy - from his demonstrated considerable abilities to apply his scientific knowledge and personal dedication to alert and to inform our fellow citizens - in short, education.

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NOW, THEREFORE, BE IT FURTHER RESOLVED that the Governor and Cabinet of the State of Florida, sitting as Trustees of the Internal Improvement Trust Fund herewith officially express, on behalf of the people of Florida, our deep appreciation for Mr. Kuperberg's outstanding achievements as a public official - local as well as State - and as a concerned citizen, and

BE IT FURTHER RESOLVED, that this Resolution be spread upon the official Minutes of this Board and a copy presented to Mr. Kuperberg as a token of appreciation and best wishes for his association with the Trust for Public Lands and all other endeavors which he may undertake.

Adopted in Tallahassee, Florida, this Eighteenth day of June, A.D., 1974.

REUBIN O'D. ASKEW
GOVERNOR

RICHARD (DICK) STONE
SECRETARY OF STATE

ROBERT L. SHEVIN
ATTORNEY GENERAL

FRED O. DICKINSON, JR.
COMPTROLLER

TREASURER

DOYLE CONNER
COMMISSIONER OF AGRICULTURE

RALPH D. TURLINGTON
COMMISSIONER OF EDUCATION

* * * * *

RESOLUTION

WHEREAS the Florida Division of Corrections operates Community Correctional Centers to provide work release, study release, and community volunteer programs for inmates in its care; and

WHEREAS the Legislature of the State of Florida has authorized the establishment of additional centers throughout the State; and

WHEREAS there is an agreement that Community Correctional Centers should be located in areas of the State where the inmates will return upon release; and

WHEREAS Pinellas County represents one of those areas having a need for a Community Correctional Center because approximately 500 individuals are sentenced annually to the Division of Corrections from Pinellas and Pasco Counties; and

WHEREAS the Division of Corrections has encountered opposition from local groups to two different sites which had been selected for consideration for construction of a Community Correctional Center; and

WHEREAS Mr. George A. Hunt, Jr., has offered five acres of land to be used for the construction of a Community Correctional Center in Pinellas County, Florida, more particularly described as follows:

The West 276.00 feet of the East 335.00 feet of Lot 10 of Tampa and Tarpon Springs Land Co. Subdivision of Section 2, Township 27 South, Range 15 East as recorded in Plat Book 1, Page 116 of the Public Records of Hillsborough County, Florida, of which Pinellas County was

formerly a part, being more particularly described as follows: Commence at the SE corner of the NE $\frac{1}{4}$ of Section 2, Township 27 South, Range 15 East and go S. 88 degrees 58'08" W., 947.16 feet, along the south boundary of the aforementioned NE $\frac{1}{4}$, to the P.O.B.; thence S. 88 degrees 58'08" W., 276.00 feet, along the aforementioned south boundary of the NE $\frac{1}{4}$ of Section 2; then N. 00 degrees 25'05" W., 791.02 feet, along a line 335.00 feet, West of and parallel to the East boundary of the aforementioned Lot 10, to a point on the north boundary of Lot 10; thence N. 89 degrees 21'54" E., 275.99 feet, along the North boundary of Lot 10; then S. 00 degrees 25'05" E., 789.11 feet, along a line 59.00 feet West of and parallel to the East boundary of the aforementioned Lot 10, to the P.O.B., containing 5.00 acres, more or less, Less and except road rights-of-way of record.

WHEREAS this offer by Mr. Hunt will solve the dilemma of where the proposed Center should be constructed, and

WHEREAS the Board of Trustees of the Internal Improvement Trust Fund accepted Mr. George A. Hunt, Jr.'s generous offer on April 5, 1974; therefore be it

RESOLVED, That the State of Florida Board of Trustees of the Internal Improvement Trust Fund does hereby express the sincere appreciation of the State of Florida to Mr. George A. Hunt, Jr., for his generous donation of land to be used as the site of a Community Correctional Center in Pinellas County, thus resolving the dilemma of locating this Center to the satisfaction of local residents; and be it further

RESOLVED, That a copy of this resolution be spread upon the minutes of the Board of Trustees of the Internal Improvement Trust Fund and a suitable copy be signed by all members of the Board, sealed with the seal of the Trustees of the Internal Improvement Trust Fund and forwarded to Mr. George A. Hunt, Jr.

ADOPTED in regular meeting assembled, this Eighteenth day of June, A.D. 1974 at Tallahassee, Florida.

* * * * *

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Southern Bell Tel. & Tel. easement, permit	327,654
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Boca Raton water & sewer lines	27,311
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Exchange Oil & Gas Corp. lease assigned	935
Exxon Company, oil lease	295,337
Florida Power & Light Co. easement	433
Fort Myers Jaycees artificial reef	339
Fort Myers Shell & Dredging Co.	261
Halfway Pond navigability	742
Harper Bros. application	136
Quin-Ton, Inc.	592,789
Hughes, R. K., oil lease assigned	935
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Bonita Springs Water Assn., water main	821
Bradenton, Ward Lake Reservoir dam	230
Buckley, J.W., dock, Collier Co.	528
Clemente, Joe, seawall, Pin. Co.	870
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Walton Co. boat ramp, seawall	493
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Woodland Shores Apt. docks	325
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Brown, J.B., St. Johns Co.	315
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Buckley, J.W., Collier Co.	528
Bundscho, C.C., Lee Co.	178,350,359,468
CGC Corp., canal connection, P.B. Co.	856-9
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Longboat Yacht & Tennis, Manatee Co.	695
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South County Service, Palm Beach Co.	732,769-71
Southern Bell Tel. & Tel.	681,685,688
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Spice Island, Sarasota Co.	847
Squires, F. S., Monroe Co.	924
Standard Oil Co., maintenance	904
Storch, Al, Monroe Co.	491
Strathmore Realty Corp., Sarasota Co.	333
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Tampa Elec. Co., Hillsborough Co.	60
Tampa Port Authority, Hillsborough Co.	267
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Thompson, Rodney, Brevard Co.	312
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Canada, L. E., Charlotte Co., denial	587
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DiVosta Rentals, Palm Beach County	510
Easley, R. K., Okaloosa Co.	271
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FPA Corp., Broward County	406
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Franklin, T. W., seawall, Martin Co.	529
General Devel. Corp., Port Charlotte	262
Grey, W. F., seawall, Pasco County	157
Hallandale Intracoastal, Broward Co.	486
Hathaway, W. S., Volusia Co.	654
Helker, George, denied, Dade Co.	113
Hendry Corp., dock, Hills. Co.	101
Hodson, R. C., Sarasota Co.	345
Householder, C. T., Volusia Co.	370

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Kieran, R. E., reclaimed land, Okaloosa Co.	585
Kitchel, W. G., St. Johns Co.	247
Lake Worth, City of, Palm Beach County	347,360,383
Leek, G. A., seawall, Duval County	136
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MJM Construction Co., Dade Co.	841-2
Manning, J. C., seawall, Flagler Co.	489
Maule Industries, dike Palmer Lake	720
May, B. J., seawall, Manatee Co.	580,915
Metro-Dade, Rickenbacker Causeway	888
Miami, Virginia Key, Dade Co.	488
Moulder, J. L., seawall, Palm Beach Co.	140
Muldoon, W. J., reclaimed land, Okaloosa Co.	586
Nalty, F. M., seawall, Walton Co.	509
Ocean Reef Club, Monroe Co.	192,401,420-5,954
Old Marco Apts., seawall, Collier Co.	170
Palm Beach County park seawall	103
Parks, L. D., after-fact seawall	893
Pillo Devel. Corp. seawall, Dade Co.	754
Pinellas Co. Balleair Causeway docks	274-5
Poland, Robert, Volusia County, denial	492
Pompano Beach seawall, Broward Co.	217-9
Ponce Inlet Club South seawall	69
Port of Palm Beach District seawall	750
Powers, W. F., Gilchrist Co.	366
Punta Gorda, City of, Charlotte County	397
Read, Eli, Gilchrist County	366
Rosell, F., seawall, Dade Co.	914
Sage Corp., S. Brody, Broward County	619
St. Laurent, G. C., Volusia County	371
Schandelman Devel., Palm Beach County	757
Scofield, Miles, Collier County	191,253,255
Smallwood, Ted R., Collier County	299
Southeastern Florida Properties, Dade Co.	598,626-8
Stevenson, C. M., seawall, Lee County	778-9
Sulzberger, E. W., Monroe Co.	491
Sunshine Skyway causeway repairs	13
Tampa Port Authority, Hookers Point	20
Tarpon Springs seawall, Pinellas Co.	141
Tendrich, Maz, Monroe Co.	683
Thompson, D. V., Okaloosa Co.	410
Ulman-Iager Co., Pinellas Co.	411,444
Wakulla County Board of Commissioners	451
Washburn, H. B., Seminole Co.	783
Weaver & Lewis, Palm Beach Co.	157
Winson, W. E., Okaloosa Co., denial	514
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Acme Fish Company, Palm Beach Co.	227
Alfield, Inc., Escambia Co.	387
All American Leisure Prop., Monroe Co.	505
Alligator Point Marina, Franklin Co.	495
All Saints Nursing Home, Duval Co.	386
American Marine Repair Facilities	374,894
Amster & Antonelli, Volusia Co.	375
Angler's Cove Condominium marina	84
Anglers Properties, Monroe Co.	849
Apalachicola City marina, Franklin Co.	819
Arvida Corp. marina, Palm Beach Co.	228
Atlantic Drydock, Duval County	176
Bayless, H. L., Pinellas Co.	584
Beach Harbor Club, Sarasota Co.	250
Beautiful Island Club, Lee County	583

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Caladesi Island State Park, Pinellas Co.	176
Caloz, E. G., Florida Anglers Resort, Lake Co.	821
Cape Shores Devel., Brevard Co.	785
Century Park West, Okaloosa Co.	503
Colonnades, Inc., Palm Beach Co.	278,334,685
Cove Properties marina, Bay Co.	545,784
Cowan (Don) Inc., Pinellas Co.	199
Daly's Boatyard marina, Duval Co.	83
Daytona Beach, Volusia Co.	176,661
Department of Natural Resources, Pinellas Co.	177
Diamondhead Corp., Escambia Co.	863
Diamondhead Mfg. marina, Okaloosa Co.	145,680
Dixon, W. J., Dixie County	387
Don Leach, Inc., Charlotte Co.	440
Executive Enterprises marina, Volusia Co.	107
Files, L. E. (O.), Taylor County	228,862
Firestone Yacht Basin marina, Escambia Co.	276
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Fort Pierce, City of, St. Lucie Co.	414
Fort Walton Beach, City of, Okaloosa Co.	441
Fountainhead Apts., Okaloosa County	965
General Devel. Corp., St. Lucie Co.	176
Gipson, C. R., Pinellas Co.	117
Goldman & Stone, Volusia Co.	534
Grand Lagoon Co., Bay County	303
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Gulf Price Seafood marina, Franklin Co.	944-5
Gundlach, Wm., marina, Palm Beach Co.	318
Guy-Rogers marina renewal	250
Hallock, H. F., Pinellas Co.	605-6
Hanna, T. D., Charlotte County	848
Harbour Cove Devel., Collier County	963
Harrison, Geo., renewal, Broward Co.	224
Hatteras of Lauderdale, Broward Co.	414
Herbert, John A., Martin Co.	137
Hudgins Fish Co., Palm Beach Co.	203
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Indian Creek Country Club, Dade County	605
Indian River Marine Basin, Inc.	348
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Jacksonville Shipyards, Inc.	535
Jennings, Paul W., Bay County	978
Jentsen, Everglades Dev., Collier Co.	548
Jungle Queen, Broward Co.	224
Kelly Boat Services marina	871
Kent Tyus Enterprises marina	945
Keslov, N., Collier County	534
Key Motels renewal, Monroe Co.	441
Keystone Harbor Condominium renewal	280,826
Kingsley Arms marina, Dade Co.	87
Kissee, D. C., Pinellas Co.	140
Lamb's Yacht Center, Duval Co.	386
Land Services, Inc., Highlands County	734
Lanlake, Inc., Palm Beach Co.	771
Lauderdale Yacht Basin, Broward Co.	177
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Lutz, Fred F., Sarasota Co.	226
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Marco Towers marine renewal	345
Marlborough, Inc., renew, Okaloosa Co.	177
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Miracle STrip Yacht Basin, Bay County	159
Miramar Park, Inc., marina	249
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Morris, R. A., Sarasota County	657
Naples Cruise Club, denial	472
North River Mile Properties marina	277
Okaloosa Island Authority marina	660
Old Port Cove Condominiums marina	10,12,24-5,34-5,382
Ortega Devel. Co., Duval County	372,944
Outdoor Resorts of America, St. Lucie Co.	118,175,966
Palm Beach Yachting Assoc.	173
Perini, L. R., Bill's Marina, Palm Beach Co.	319,850
Piedmont Apts. marina, Pinellas Co.	279
Pier I Apartments, Okaloosa Co.	657
Points West Apts (Greenfeathers) marina	305
Port Tarpon Marina, Pinellas Co.	391
Porter, Edward, Dade Co.	226
Powell, James H., Lake Co.	197
Punta Gorda, City of, Charlotte Co.	397
Puterbaugh, R. F., marina, Polk Co.	104,208,232,918
Qualls, A. P., Okaloosa County	495
R.E.J. Investments, Dade Co.	177
Rainbow Marina, Franklin County	575
Rallison, B. G., Dixie County	862
River Bend Builders marina, Putnam Co.	946
Roberts Devel., Sarasota Co.	533
Roberts, Kenneth, Marion County	136
Roland, M., Duval County	275-6,373
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Sauder, K. D., Pinellas County	141
Saundry, K. P., Brevard County	134
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South Daytona, City of, Volusia County	160,697
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Tanen Construction of Eau Gallie, Martin County	503
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Vaszary, S. S., marina, Brevard County	848
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Weber, Clyde D., Bay Co.	159
Wellington, Assoc. of Winter Haven	118,441
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Gulf Power Company, Bay County	830,873
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Gilbert, Harry, signboard, Monroe County	344
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Peterson, Carl H., Broad Causeway fill	19
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Oil lease, Collier County	431,481,745
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Phipps, B. K., Lake Jackson, Leon County	537,557,800
Piedmont Apts., marina, Pinellas County	279
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Pilkinton, H. L., sale, Escambia County	837
Pillo Devel. Corp. seawall, Dade County	754
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Treasure Island Tennis & Yacht Corp.	144
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Velvet Cloak Apts. marina	279
Vigilant, Paul, dock	198
Wadsworth, G. W., marina	198
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Florida Power Corp. easement	380
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Indian Lake Maintenance, Inc., dredge	236
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Wellington Assoc. marina license	118,441
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